



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 17, 2011

## House File 303 - Introduced

HOUSE FILE  
BY DE BOEF

### A BILL FOR

1 An Act removing an exemption for specified electric public  
2 utilities from the regulatory authority of the utilities  
3 board of the department of commerce.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2162YH (2) 84  
rn/rj



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House File 303 - Introduced continued

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1 1 Section 1. Section 476.1A, subsection 1, unnumbered  
1 2 paragraph 1, Code 2011, is amended to read as follows:  
1 3 Electric ~~public utilities having fewer than ten thousand~~  
1 4 ~~customers and electric cooperative corporations and~~  
1 5 associations are not subject to the rate regulation authority  
1 6 of the board. Such utilities are subject to all other  
1 7 regulation and enforcement activities of the board, including:  
1 8 Sec. 2. Section 476.1A, subsection 1, paragraph g, Code  
1 9 2011, is amended to read as follows:

1 10 g. Filing energy efficiency plans and energy efficiency  
1 11 results with the board. The energy efficiency plans as a  
1 12 whole shall be cost-effective. The board may permit these  
1 13 utilities to file joint plans. The board shall periodically  
1 14 report the energy efficiency results including energy savings  
1 15 of each of these utilities to the general assembly. The board  
1 16 may waive all or part of the energy efficiency filing and  
1 17 review requirements for electric cooperative corporations and  
1 18 associations ~~and electric public utilities~~ which demonstrate  
1 19 superior results with existing energy efficiency efforts.

1 20 Sec. 3. Section 476.1A, subsection 3, Code 2011, is amended  
1 21 to read as follows:

1 22 3. Electric cooperative corporations and associations  
1 23 ~~and electric public utilities~~ exempt from rate regulation  
1 24 under this section shall not make or grant any unreasonable  
1 25 preferences or advantages as to rates or services to any  
1 26 person or subject any person to any unreasonable prejudice or  
1 27 disadvantage.

1 28 EXPLANATION

1 29 This bill removes an exemption for electric public utilities  
1 30 having fewer than 10,000 customers from the rate regulation  
1 31 authority of the Iowa utilities board. Currently, such  
1 32 utilities are exempt from such authority, along with electric  
1 33 cooperative corporations and associations, pursuant to the  
1 34 provisions of Code section 476.1A.

1 35 Removing this exemption makes electric public utilities



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2 1 having fewer than 10,000 customers subject to, among other  
2 2 requirements, provisions in Code chapter 476 regarding  
2 3 establishing and changing rates, electric energy supply and  
2 4 cost review proceedings conducted by the board, board approval  
2 5 of energy efficiency programs offered by the utility and  
2 6 contested case proceedings relating thereto, and annual report  
2 7 submission to the board and continuing audit of the utility's  
2 8 operation by the board.

LSB 2162YH (2) 84

rn/rj



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**House File 304 - Introduced**

HOUSE FILE  
BY ISENHART

**A BILL FOR**

1 An Act relating to the education requirements for licensed  
2     massage therapists.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
   TLSB 2590YH (1) 84  
   jr/nh



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House File 304 - Introduced continued

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1 1 Section 1. Section 152C.3, subsection 1, paragraph a, Code  
1 2 2011, is amended to read as follows:

1 3 a. Completion of a curriculum of massage education at a  
1 4 school approved by the board which requires for admission  
1 5 a diploma from an accredited high school or the equivalent  
1 6 and requires completion of at least ~~five~~ six hundred hours  
1 7 of supervised academic instruction. However, educational  
1 8 requirements under this paragraph are subject to reduction  
1 9 by the board if, after public notice and hearing, the board  
1 10 determines that the welfare of the public may be adequately  
1 11 protected with fewer hours of education.

1 12 EXPLANATION

1 13 This bill raises the educational requirement for licensed  
1 14 massage therapists from 500 to 600 hours of supervised academic  
1 15 instruction.

LSB 2590YH (1) 84

jr/nh



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**House File 305 - Introduced**

HOUSE FILE  
BY WINDSCHITL

**A BILL FOR**

1 An Act relating to the use of floodplain maps published by the  
2 federal emergency management agency.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2501YH (4) 84  
tm/nh



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House File 305 - Introduced continued

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1 1 Section 1. Section 455B.104, Code 2011, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 5. Notwithstanding any provision of law to  
1 4 the contrary, the department, a city, a county, or any other  
1 5 governmental entity shall not use for any purpose a floodplain  
1 6 map published by the federal emergency management agency until  
1 7 the use of the specific map is approved by the general assembly  
1 8 pursuant to legislation.

1 9 EXPLANATION

1 10 This bill relates to the use of floodplain maps published by  
1 11 the federal emergency management agency.

1 12 The bill prohibits the department of natural resources,  
1 13 a city, a county, or any other governmental entity from using  
1 14 for any purpose a floodplain map published by the federal  
1 15 emergency management agency until the use of the specific map  
1 16 is approved by the general assembly pursuant to legislation.

LSB 2501YH (4) 84

tm/nh



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## House File 306 - Introduced

HOUSE FILE  
BY GRASSLEY

### A BILL FOR

1 An Act to create a Lyme disease task force within the  
2 department of public health.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2188YH (2) 84  
jr/nh





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House File 306 - Introduced continued

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1 1 Section 1. LYME DISEASE TASK FORCE. The department of  
1 2 public health shall form an ad hoc task force of no more than  
1 3 eleven members to comprehensively review all current studies  
1 4 and other literature relating to the recognition and treatment  
1 5 of Lyme disease. Based on that information the task force  
1 6 shall develop recommendations for health care provider training  
1 7 for the prevention, detection, and treatment of Lyme disease.  
1 8 1. Task force membership. The department shall appoint  
1 9 members to the task force from a variety of health-related  
1 10 backgrounds and who represent government, academia, and  
1 11 industry.  
1 12 2. Task force organization and operation.  
1 13 a. The task force shall select its own chairperson and  
1 14 establish its rules of procedure. A majority of the members of  
1 15 the task force shall constitute a quorum.  
1 16 b. Members shall serve without compensation, but may be  
1 17 reimbursed for actual expenses if funds are available.  
1 18 c. The task force shall meet as deemed necessary by  
1 19 the chairperson. In addition, the task force should, if  
1 20 practicable, hold at least one public hearing to accept input  
1 21 from interested members of the public.  
1 22 d. The department of public health shall provide staff  
1 23 support for the task force.  
1 24 3. Report. The task force shall submit recommendations to  
1 25 the general assembly and the governor on or before January 15,  
1 26 2012.  
1 27 4. Termination. The task force shall terminate upon  
1 28 submission of its report to the general assembly.

1 29 EXPLANATION

1 30 This bill creates the Lyme disease task force, staffed by  
1 31 the department of public health. Its purpose is to develop  
1 32 recommendations for health care provider training for the  
1 33 prevention, detection, and treatment of Lyme disease. Members  
1 34 do not receive per diem, but may receive expense payments if  
1 35 funds are available. The bill defines task force membership,



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2 1 calls for a public hearing to garner public comment, and  
2 2 establishes basic rules for the task force. The task force is  
2 3 required to submit recommendations to the general assembly and  
2 4 the governor on or before January 15, 2012.  
2 5 The task force terminates upon submission of its report.  
LSB 2188YH (2) 84  
jr/nh



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**House File 307 - Introduced**

HOUSE FILE  
BY DE BOEF and PETTENGILL

**A BILL FOR**

1 An Act relating to the authorized uses of moneys under the  
2 decategorization of child welfare and juvenile justice  
3 funding initiative and including effective and retroactive  
4 applicability date provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2070YH (4) 84

jp/nh



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House File 307 - Introduced continued

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1 1 Section 1. Section 232.188, subsection 5, paragraph a, Code  
1 2 2011, is amended to read as follows:

1 3 a. The governance board for a decategorization project has  
1 4 authority over the project's decategorization services funding  
1 5 pool and shall manage the pool to provide more flexible,  
1 6 individualized, family=centered, preventive, community=based,  
1 7 comprehensive, and coordinated service systems for children and  
1 8 families served in that project area. A funding pool shall  
1 9 also be used for child welfare and juvenile justice systems  
1 10 enhancements and other support for those systems. Such support  
1 11 may include paying the cost of insurance coverage associated  
1 12 with a governance board and the programs and services provided  
1 13 in connection with a decategorization project.

1 14 Sec. 2. EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
1 15 APPLICABILITY. This Act, being deemed of immediate importance,  
1 16 takes effect upon enactment and applies retroactively to June  
1 17 1, 2010.

1 18 EXPLANATION

1 19 This bill relates to the authorized uses of moneys under the  
1 20 decategorization of child welfare and juvenile justice funding  
1 21 initiative in Code section 232.188.

1 22 Decategorization projects are formed by county or  
1 23 multicounty groups and administered by a governance board of  
1 24 local stakeholders. Current law provides for the moneys in a  
1 25 decategorization project funding pool to be used to provide  
1 26 more flexible, individualized, family=centered, preventive,  
1 27 community=based, comprehensive, and coordinated service systems  
1 28 for children and families served in that project area. A  
1 29 funding pool is also used for child welfare and juvenile  
1 30 justice systems enhancements. The bill allows the funding pool  
1 31 to be used to pay the cost of insurance coverage associated  
1 32 with a governance board and the programs and services provided  
1 33 in connection with a decategorization project.

1 34 The bill takes effect upon enactment and applies  
1 35 retroactively to June 1, 2010.

LSB 2070YH (4) 84

jp/nh



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**House File 308 - Introduced**

HOUSE FILE  
BY LOFGREN

(COMPANION TO SSB  
1035)

**A BILL FOR**

1 An Act requiring hospitals and outpatient surgical facilities  
2 to report data on the use of a registered nurse as a  
3 circulating nurse during surgical procedures and including  
4 effective date provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1814YH (1) 84

jr/nh



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House File 308 - Introduced continued

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1 1 Section 1. NEW SECTION. 135.75A Data reporting on  
1 2 circulating nurse in operating room.  
1 3 1. a. A hospital or outpatient surgical facility, as  
1 4 defined in section 135.61, shall keep written records regarding  
1 5 the use of circulating nurses in each separate operating room  
1 6 where surgery is being performed.  
1 7 b. For purposes of this section, "circulating nurse" means  
1 8 a registered nurse, qualified by training and experience  
1 9 in operating room nursing, who is present in an operating  
1 10 room where surgery is being performed for the duration of  
1 11 the operative procedure. Instances of a circulating nurse  
1 12 leaving the operating room as part of the operative procedure,  
1 13 leaving the operating room for short periods or, in accordance  
1 14 with employer rules or regulations, being relieved during an  
1 15 operative procedure by another circulating nurse assigned to  
1 16 continue the operative procedure shall not disqualify the nurse  
1 17 from being a circulating nurse.  
1 18 2. The data collected pursuant to subsection 1 shall be  
1 19 made available to the public at least annually. A circulating  
1 20 nurse shall assist the administration of the nurse's employing  
1 21 facility in complying with this section.  
1 22 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
1 23 immediate importance, takes effect upon enactment.  
1 24

EXPLANATION

1 25 This bill requires the collection and public reporting  
1 26 of patient safety data regarding hospitals' and outpatient  
1 27 surgical facilities' use of a registered nurse in the role of  
1 28 a circulator that is present to assure quality care of the  
1 29 patient during surgery.

LSB 1814YH (1) 84

jr/nh



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**House File 309 - Introduced**

HOUSE FILE  
BY HEATON

**A BILL FOR**

1 An Act relating to visitation or interaction with siblings  
2 by children participating in the subsidized guardianship  
3 program administered by the department of human services and  
4 including effective date provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TL5B 2356YH (2) 84  
jp/nh



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House File 309 - Introduced continued

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1 1 Section 1. SUBSIDIZED GUARDIANSHIP PROGRAM ==== SIBLING  
1 2 VISITATION. The department of human services shall adapt the  
1 3 provisions of section 232.108 for application to the subsidized  
1 4 guardianship program in order to facilitate frequent visitation  
1 5 or ongoing interaction between children participating in  
1 6 the subsidized guardianship program for application to the  
1 7 subsidized guardianship program and the siblings of those  
1 8 children. However, the visitation or ongoing interaction shall  
1 9 not be facilitated if the department determines the visitation  
1 10 or ongoing interaction would be detrimental to the child's  
1 11 well-being or is suspended or terminated by the court.

1 12 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
1 13 immediate importance, takes effect upon enactment.

1 14 EXPLANATION

1 15 This bill requires the department of human services to  
1 16 adapt the provisions of Code section 232.108 for application  
1 17 to the subsidized guardianship program administered by  
1 18 the department in order to facilitate frequent visitation  
1 19 or ongoing interaction between children participating in  
1 20 the program and the siblings of those children. However,  
1 21 facilitation of the visiting or interaction is not required if  
1 22 the department determines the visitation or ongoing interaction  
1 23 would be detrimental to the child's well-being or is suspended  
1 24 or terminated by the court.

1 25 The subsidized guardianship program was approved by the  
1 26 federal government as a five-year demonstration project to  
1 27 operate from February 1, 2007, through January 31, 2012.  
1 28 However, the department ended new enrollment in the program  
1 29 effective September 1, 2010.

1 30 The bill takes effect upon enactment.

LSB 2356YH (2) 84

jp/nh





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**House File 310 - Introduced**

HOUSE FILE  
BY LOFGREN

**A BILL FOR**

1 An Act relating to the division of retirement and pension  
2 accounts in a dissolution of marriage.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TL5B 2470YH (2) 84  
pf/nh



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House File 310 - Introduced continued

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1 1 Section 1. Section 598.21, Code 2011, is amended by adding  
1 2 the following new subsection:

1 3 NEW SUBSECTION. 5A. Retirement and pension or defined  
1 4 benefit accounts.

1 5 a. With the exception of a pension or defined benefit  
1 6 account, retirement accounts shall be divided based on the  
1 7 value of the account on the date of the entry of the final  
1 8 decree, unless otherwise agreed to by both parties. The  
1 9 party who is not the account holder shall receive the amount  
1 10 specified in the final decree based upon the account's value  
1 11 on the date of the entry of the final decree and the amount  
1 12 shall not be subject to market fluctuations following the entry  
1 13 of the decree. If the party holding the retirement account  
1 14 elects to place the account in a safe or guaranteed market,  
1 15 the party shall not be subject to claims that the party failed  
1 16 to take reasonable steps to maximize the potential return on  
1 17 investments.

1 18 b. Pension or defined benefit accounts shall be divided  
1 19 based on the value as of the date of entry of the final decree,  
1 20 subject to the divisions method specified in the decree, unless  
1 21 another date is otherwise agreed to by the parties.

1 22 EXPLANATION

1 23 This bill relates to the division of retirement and pension  
1 24 accounts in a dissolution of marriage. The bill directs that,  
1 25 with the exception of a pension or a defined benefit account, a  
1 26 retirement account is to be divided based on the value of the  
1 27 account on the date of the entry of the final decree, unless  
1 28 otherwise agreed to by the parties. The amount is not subject  
1 29 to market fluctuations following entry of the decree and if the  
1 30 party holding the retirement account may elect to place the  
1 31 account in a safe or guaranteed market without being subject to  
1 32 claims that the party failed to maximize the potential return  
1 33 on the investment. Under the bill, pensions or defined benefit  
1 34 accounts are to be divided based on the value as of the date  
1 35 of entry of the final decree, and are subject to the method of



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- 2 1 division specified in the decree, unless another date is agreed
- 2 2 to by the parties.

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pf/nh



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**House File 311 - Introduced**

HOUSE FILE  
BY HORBACH

(COMPANION TO LSB  
1780SS by WARD)

**A BILL FOR**

1 An Act relating to the interest rate on weekly workers'  
2 compensation payments that are not paid when due and  
3 including applicability date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1780YH (2) 84  
av/nh



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House File 311 - Introduced continued

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1 1 Section 1. Section 535.3, subsection 1, Code 2011, is  
1 2 amended to read as follows:  
1 3 1. Interest shall be allowed on all money due on judgments  
1 4 and decrees of courts at a rate calculated according to section  
1 5 668.13, ~~except. However, for interest due pursuant to section~~  
1 6 ~~85.30 for which the rate shall be ten percent per year interest~~  
1 7 shall accrue from the date each weekly compensation payment is  
1 8 due at an annual rate equal to the one-year treasury constant  
1 9 maturity published by the federal reserve in the H15 report  
1 10 settled immediately prior to or on July 1 each year plus two  
1 11 percent, applicable to all weekly compensation payments due  
1 12 during the fiscal year beginning on July 1 and ending the  
1 13 following June 30.

1 14 Sec. 2. APPLICABILITY. This Act applies to interest due  
1 15 pursuant to section 85.30 on weekly compensation payments  
1 16 payable for personal injuries arising out of and in the course  
1 17 of employment under chapters 85, 85A, and 85B, that occur on  
1 18 or after July 1, 2011.

1 19 EXPLANATION

1 20 This bill provides that the interest rate on weekly workers'  
1 21 compensation payments that are not paid when due is equal  
1 22 to the one-year treasury constant maturity published by the  
1 23 federal reserve in the H15 report settled immediately prior  
1 24 to July 1 plus 2 percent for all weekly compensation payments  
1 25 due during the fiscal year beginning on July 1 and ending  
1 26 the following June 30. The bill is applicable to injuries  
1 27 compensable under the state's workers' compensation laws that  
1 28 occur on or after July 1, 2011. Currently, the interest rate  
1 29 on such weekly workers' compensation payments not paid when  
1 30 due, is 10 percent per year.

LSB 1780YH (2) 84

av/nh



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## House File 312 - Introduced

HOUSE FILE  
BY WATTS

### A BILL FOR

1 An Act relating to public employees, by requiring a survey and  
2 report on state employee salaries and benefits and relating  
3 to the arbitration of public employee collective bargaining  
4 agreements.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1632YH (8) 84  
aw/nh



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House File 312 - Introduced continued

PAG LIN

1 1 Section 1. Section 8.6, Code 2011, is amended by adding the  
1 2 following new subsection:

1 3 NEW SUBSECTION. 5. Report on employee salaries and  
1 4 benefits. To prepare a report containing a comprehensive  
1 5 survey of employee salaries and benefits by position, to  
1 6 include within this report a survey of salaries and benefits  
1 7 for comparable positions within the private sector, and to make  
1 8 the report available to the general assembly and the governor  
1 9 prior to the convening of each session of the general assembly  
1 10 in which a budget may be passed or prior to negotiation or  
1 11 renegotiation of a public employee collective bargaining  
1 12 agreement pursuant to chapter 20. The report shall be based  
1 13 upon regional information from each of the state's workforce  
1 14 development service delivery areas designated by the state  
1 15 workforce development board as required in section 84B.2, so  
1 16 that it may be considered in relevant arbitration.

1 17 Sec. 2. Section 20.22, subsection 7, Code 2011, is amended  
1 18 by adding the following new paragraph:

1 19 NEW PARAGRAPH. 0c. Comparison of wages, hours, benefits,  
1 20 and conditions of employment of the involved public employees  
1 21 with those of other private sector employees doing comparable  
1 22 work, giving consideration to factors peculiar to the area  
1 23 and the classifications involved. The arbitrator shall, in  
1 24 this comparison, consider the report on employee salaries and  
1 25 benefits developed by the department of management, as required  
1 26 in section 8.6, subsection 5.

1 27 EXPLANATION

1 28 This bill requires that the department of management provide  
1 29 the general assembly with a report that includes a survey of  
1 30 state employee wages and benefits by position, along with  
1 31 a survey of the wages and benefits of comparable positions  
1 32 within the private sector. The bill further requires that  
1 33 the department provide this report to the general assembly  
1 34 and the governor prior to the convening of each legislative  
1 35 session in which a budget may be passed or prior to negotiation



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2 1 or renegotiation of a public employee collective bargaining  
2 2 agreement. The report and survey must be based upon the  
2 3 state's workforce development service delivery areas.  
2 4 The bill also requires that an arbitrator of public employee  
2 5 collective bargaining agreements consider the comparison of  
2 6 public and private sector wages and benefits peculiar to the  
2 7 area. The bill also requires an arbitrator to consider the  
2 8 report on employee salaries and benefits within that context.

LSB 1632YH (8) 84

aw/nh





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**House File 313 - Introduced**

HOUSE FILE  
BY HORBACH

(COMPANION TO LSB  
1782SS BY WARD)

**A BILL FOR**

- 1 An Act concerning private sector employee drug testing.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1782YH (1) 84  
je/rj



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House File 313 - Introduced continued

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1 1 Section 1. Section 730.5, subsection 1, paragraphs b and k,  
1 2 Code 2011, are amended to read as follows:  
1 3 b. "Confirmed positive test result" means, except for  
1 4 alcohol testing conducted pursuant to subsection 7, paragraph  
1 5 "f", subparagraph (2), the results of a ~~blood, urine, or oral~~  
1 6 ~~fluid drug test~~ in which the level of controlled substances or  
1 7 metabolites in the ~~specimen sample~~ analyzed meets or exceeds  
1 8 nationally accepted standards for determining detectable levels  
1 9 of controlled substances as adopted by the ~~federal~~ United  
1 10 States department of health and human services' substance abuse  
1 11 and mental health services administration. If nationally  
1 12 accepted standards for ~~oral fluid tests on a particular~~  
1 13 specimen have not been adopted by the ~~federal~~ United States  
1 14 department of health and human services' substance abuse and  
1 15 mental health services administration, the standards for  
1 16 determining detectable levels of controlled substances for  
1 17 purposes of determining a confirmed positive test result shall  
1 18 be the same standard that has been ~~established~~ cleared or  
1 19 approved by the federal United States department of health and  
1 20 human services' food and drug administration for the ~~measuring~~  
1 21 ~~instrument used to perform the oral fluid test~~ particular  
1 22 specimen testing utilized.  
1 23 k. "Sample" means such sample from the human body capable  
1 24 of revealing the presence of alcohol or other drugs, or their  
1 25 metabolites, ~~which shall include only urine, saliva, breath,~~  
1 26 ~~and blood.~~ However, "sample" does not mean blood except as  
1 27 authorized pursuant to subsection 7, paragraph "l".  
1 28 Sec. 2. Section 730.5, subsection 7, paragraphs a and b,  
1 29 Code 2011, are amended to read as follows:  
1 30 a. The collection of samples shall be performed under  
1 31 sanitary conditions and with regard for the privacy of the  
1 32 individual from whom the ~~specimen sample~~ is being obtained and  
1 33 in a manner reasonably calculated to preclude contamination or  
1 34 substitution of the ~~specimen sample~~. If the sample collected  
1 35 is urine, procedures shall be established to provide for



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2 1 individual privacy in the collection of the sample unless there  
2 2 is a reasonable suspicion that a particular individual subject  
2 3 to testing may alter or substitute the urine ~~specimen~~ sample  
2 4 to be provided, or has previously altered or substituted a  
2 5 urine ~~specimen~~ sample provided pursuant to a drug or alcohol  
2 6 test. For purposes of this paragraph, "individual privacy"  
2 7 means a location at the collection site where urination can  
2 8 occur in private, which has been secured by visual inspection  
2 9 to ensure that other persons are not present, which provides  
2 10 that undetected access to the location is not possible during  
2 11 urination, and which provides for the ability to effectively  
2 12 restrict access to the location during the time the ~~specimen~~  
~~2 13~~ sample is provided. If an individual is providing a urine  
2 14 sample and collection of the urine sample is directly monitored  
2 15 or observed by another individual, the individual who is  
2 16 directly monitoring or observing the collection shall be of  
2 17 the same gender as the individual from whom the urine sample  
2 18 is being collected.  
2 19 b. Collection of a ~~urine~~ sample for testing of current  
2 20 employees shall be performed so that the ~~specimen~~ sample is  
2 21 split into two components at the time of collection in the  
2 22 presence of the individual from whom the sample ~~or specimen~~  
2 23 is collected. The second portion of the ~~specimen or~~ sample  
2 24 shall be of sufficient quantity to permit a second, independent  
2 25 confirmatory test as provided in paragraph "i". ~~The~~ If the  
~~2 26 sample is urine, the sample shall be split such that the~~  
2 27 primary sample contains at least thirty milliliters and the  
2 28 secondary sample contains at least fifteen milliliters. Both  
2 29 portions of the sample shall be forwarded to the laboratory  
2 30 conducting the initial confirmatory testing. In addition to  
2 31 any requirements for storage of the initial sample that may be  
2 32 imposed upon the laboratory as a condition for certification  
2 33 or approval, the laboratory shall store the second portion of  
2 34 any sample until receipt of a confirmed negative test result or  
2 35 for a period of at least forty=five calendar days following the



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3 1 completion of the initial confirmatory testing, if the first  
3 2 portion yielded a confirmed positive test result.

3 3 Sec. 3. Section 730.5, subsection 7, paragraph f,  
3 4 subparagraphs (2) and (3), Code 2011, are amended to read as  
3 5 follows:

3 6 (2) Notwithstanding any provision of this section to the  
3 7 contrary, alcohol testing, including initial and confirmatory  
3 8 testing, may be conducted pursuant to requirements established  
3 9 by the employer's written policy. The written policy shall  
3 10 include requirements governing evidential breath testing  
3 11 devices, alcohol screening devices, and the qualifications for  
3 12 personnel administering initial and confirmatory testing, which  
3 13 shall be consistent with regulations adopted as of ~~January~~  
~~3 14 1, 1999~~ the effective date of this Act, by the United States  
3 15 department of transportation governing alcohol testing required  
3 16 to be conducted pursuant to the federal Omnibus Transportation  
3 17 Employee Testing Act of 1991.

3 18 (3) Notwithstanding any provision of this section to the  
3 19 contrary, collection of an oral fluid sample for testing shall  
3 20 be performed in the presence of the individual from whom the  
3 21 sample ~~or specimen~~ is collected. The ~~specimen or~~ sample shall  
3 22 be of sufficient quantity to permit a second, independent,  
3 23 confirmatory test as provided in paragraph "i". In addition to  
3 24 any requirement for storage of the initial sample that may be  
3 25 imposed upon the laboratory as a condition for certification  
3 26 or approval, the laboratory shall store the unused portion of  
3 27 any sample until receipt of a confirmed negative test result or  
3 28 for a period of at least forty=five calendar days following the  
3 29 completion of the initial confirmatory testing, if the portion  
3 30 yielded a confirmed positive test result.

3 31 Sec. 4. Section 730.5, subsection 7, paragraph i,  
3 32 subparagraph (2), Code 2011, is amended to read as follows:

3 33 (2) If a confirmed positive test result for drugs or alcohol  
3 34 or a test result for drugs or alcohol that is inconclusive or  
3 35 indicates that the sample has been diluted or altered for a



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4 1 prospective employee is reported to the employer by the medical  
4 2 review officer, the employer shall notify the prospective  
4 3 employee in writing of the results of the test, of the name and  
4 4 address of the medical review officer who made the report, and  
4 5 of the prospective employee's right to request records under  
4 6 subsection 13. The employer may allow a prospective employee  
4 7 to obtain a confirmatory test at an approved laboratory of  
4 8 the prospective employee's choice with costs payable by the  
4 9 prospective employee.

4 10 Sec. 5. Section 730.5, subsection 10, paragraph a,  
4 11 unnumbered paragraph 1, Code 2011, is amended to read as  
4 12 follows:

4 13 Upon receipt of a confirmed positive test result for drugs  
4 14 or alcohol which indicates a violation of the employer's  
4 15 written policy, upon receipt of a test result of a prospective  
4 16 employee that is inconclusive or indicates that the sample has  
4 17 been diluted or altered, or upon the refusal of an employee  
4 18 or prospective employee to provide a testing sample, an  
4 19 employer may use that test result or test refusal as a valid  
4 20 basis for disciplinary or rehabilitative actions pursuant to  
4 21 the requirements of the employer's written policy and the  
4 22 requirements of this section, which may include, among other  
4 23 actions, the following:

4 24 EXPLANATION

4 25 This bill provides that private sector drug testing may be  
4 26 conducted on any of those specimens that have been adopted by  
4 27 the United States department of health and human services or  
4 28 have been cleared or approved by the United States food and  
4 29 drug administration for drug testing. Under current Iowa law,  
4 30 drug testing is permitted only on samples of urine, saliva,  
4 31 breath, and blood, and not on hair.

4 32 The bill provides that if the result of a test for drugs or  
4 33 alcohol on a prospective employee is inconclusive or indicates  
4 34 that the sample is altered or diluted, an employer may take  
4 35 disciplinary or rehabilitative action against the prospective



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5 1 employee in the same manner as if the result of the test was  
5 2 positive for drugs or alcohol. The bill also provides that the  
5 3 employer shall notify the prospective employee that the result  
5 4 of the test is inconclusive or that the sample is altered or  
5 5 diluted. If the result of the test is positive or inconclusive  
5 6 or indicative of an altered or diluted sample, the bill  
5 7 provides that the employer may allow the prospective employee  
5 8 to obtain a confirmatory test at the employee's cost.

LSB 1782YH (1) 84

je/rj



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## House File 314 - Introduced

HOUSE FILE  
BY HELLAND

### A BILL FOR

1 An Act prohibiting the Iowa lottery authority from charging  
2 specified fees.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2407YH (2) 84  
rn/sc



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House File 314 - Introduced continued

PAG LIN

1 1 Section 1. Section 99G.24, Code 2011, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 2A. The authority shall not charge  
1 4 a lottery retailer a service fee for transmissions or  
1 5 communications occurring during or pursuant to use of equipment  
1 6 required to process sales of any lottery product.

1 7 EXPLANATION  
1 8 This bill prohibits the Iowa lottery authority from  
1 9 charging lottery retailers a service fee for transmissions or  
1 10 communications occurring while using equipment required to  
1 11 process sales of lottery products.

LSB 2407YH (2) 84  
rn/sc





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## House File 315 - Introduced

HOUSE FILE  
BY COWNIE

### A BILL FOR

1 An Act relating to the option of voting straight party at  
2 certain elections.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TL5B 1459YH (2) 84  
sc/nh



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House File 315 - Introduced continued

PAG LIN

1 1 Section 1. Section 49.37, subsection 1, Code 2011, is  
1 2 amended to read as follows:  
1 3 1. For general elections, and for other elections in which  
1 4 more than one partisan office will be filled, the ~~first section~~  
~~1 5 of the ballot shall be for straight party voting arranged as~~  
1 6 provided in this section.  
1 7 a. ~~Each political party or organization which has~~  
~~1 8 nominated candidates for more than one office shall be listed.~~  
~~1 9 Instructions to the voter for straight party or organization~~  
~~1 10 voting shall be in substantially the following form:~~  
1 11 To vote for all candidates from a single party or  
~~1 12 organization, mark the voting target next to the party or~~  
~~1 13 organization name. Not all parties or organizations have~~  
~~1 14 nominated candidates for all offices. Marking a straight party~~  
~~1 15 or organization vote does not include votes for nonpartisan~~  
~~1 16 offices, judges, or questions.~~  
1 17 b. ~~Political parties and nonparty political organizations~~  
~~1 18 which have nominated candidates for only one office shall~~  
~~1 19 be listed below the other political organizations under the~~  
~~1 20 following heading:~~  
1 21 ~~Other Political Organizations. The following organizations~~  
~~1 22 have nominated candidates for only one office:~~  
1 23 ~~e. 1A.~~ Offices shall be arranged in groups. Partisan  
1 24 offices, nonpartisan offices, judges, and public measures shall  
1 25 be separated by a distinct line appearing on the ballot.  
1 26 Sec. 2. Section 49.57, subsection 2, Code 2011, is amended  
1 27 to read as follows:  
1 28 2. ~~In the area of the general election ballot for straight~~  
~~1 29 party voting, the party or organization names shall be printed~~  
~~1 30 in upper case and lower case letters using a uniform font size~~  
~~1 31 for each political party or nonparty political organization.~~  
~~1 32 The font size shall be not less than twelve point type. After~~  
1 33 the name of each candidate for a partisan office the name of  
1 34 the candidate's political party shall be printed in at least  
1 35 six point type. ~~The names of political parties and nonparty~~



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~~2 1 political organizations may be abbreviated on the remainder of~~  
~~2 2 the ballot if both the full name and the abbreviation appear~~  
~~2 3 in the "Straight Party" and "Other Political Party" areas of~~  
~~2 4 the ballot.~~

2 5 Sec. 3. Section 49.98, Code 2011, is amended to read as  
2 6 follows:

2 7 49.98 Counting ballots.

2 8 The ballots shall be counted according to the voters' marks  
2 9 on them as provided in sections 49.92 ~~to 49.97~~ and 49.93,  
2 10 and not otherwise. If, for any reason, it is impossible  
2 11 to determine from a ballot, as marked, the choice of the  
2 12 voter for any office, the vote for that office shall not be  
2 13 counted. ~~When there is a conflict between a straight party or~~  
~~2 14 organization vote for one political party or nonparty political~~  
~~2 15 organization and the vote cast by marking the voting target~~  
~~2 16 next to the name of a candidate for another political party~~  
~~2 17 or nonparty political organization on the ballot, the mark~~  
~~2 18 next to the name of the candidate shall be held to control,~~  
~~2 19 and the straight party or organization vote in that case shall~~  
~~2 20 not apply as to that office.~~ A ballot shall be rejected if  
2 21 the voter used a mark to identify the voter's ballot. ~~For~~  
~~2 22 each voting system, the~~ The state commissioner shall, by rule  
2 23 adopted pursuant to chapter 17A, develop uniform definitions of  
2 24 what constitutes a vote.

2 25 Sec. 4. REPEAL. Sections 49.94, 49.95, 49.96, and 49.97,  
2 26 Code 2011, are repealed.

2 27 EXPLANATION

2 28 This bill eliminates the option of voting straight party  
2 29 for all candidates of a political party or nonparty political  
2 30 organization. The bill applies to the general election and  
2 31 elections at which more than one partisan office is to be  
2 32 filled.

LSB 1459YH (2) 84  
sc/nh



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**House File 316 - Introduced**

HOUSE FILE  
BY COWNIE

**A BILL FOR**

1 An Act relating to a voter's designee for purposes of returning  
2 absentee ballots.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1439YH (2) 84  
sc/nh



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House File 316 - Introduced continued

PAG LIN

1 1 Section 1. Section 53.17, Code 2011, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 5. The person designated by a voter to  
1 4 return a completed absentee ballot may be any person the voter  
1 5 chooses, except that a candidate whose name is on the ballot or  
1 6 an elected official shall not serve as a voter's designee or  
1 7 otherwise return a ballot under this section.

1 8 EXPLANATION

1 9 Current law provides that an absentee voter may designate  
1 10 a person to return the voter's absentee ballot. This bill  
1 11 provides that a candidate whose name is on the ballot or an  
1 12 elected official shall not serve as a voter's designated  
1 13 person.

LSB 1439YH (2) 84

sc/nh



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## House File 317 - Introduced

HOUSE FILE  
BY LUKAN

### A BILL FOR

1 An Act providing for advance notification of the need to  
2 renew a driver's license at the request of a licensee and  
3 establishing a fee.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2266HH (2) 84  
dea/nh



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House File 317 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.196, Code 2011, is amended by adding  
1 2 the following new subsection:

1 3 NEW SUBSECTION. 6. At the time a driver's license is  
1 4 issued or renewed, the licensee may request to be notified in  
1 5 advance of the period for renewal of the driver's license. The  
1 6 request for a renewal notice shall be accompanied by a fee  
1 7 of ten dollars. At least six weeks but not more than eight  
1 8 weeks before the date the driver's license is due to expire,  
1 9 the department shall send notice of the expiration date of  
1 10 the license and the period for renewal to a licensee who has  
1 11 requested notification and paid the required fee. The notice  
1 12 shall be mailed to the most recent address of record provided  
1 13 by the licensee pursuant to section 321.182. Failure to  
1 14 receive a renewal notice shall not affect the expiration of a  
1 15 license or the requirements for renewal of an expired license.

1 16 EXPLANATION

1 17 This bill allows a person to request to be notified by  
1 18 the department of transportation in advance of the period  
1 19 for renewal of the person's driver's license. The request  
1 20 must be made at the time the person's license is being issued  
1 21 or renewed. The bill establishes a \$10 fee for a renewal  
1 22 notice, which is payable at the time the request is made. The  
1 23 department of transportation is required to send the notice to  
1 24 the licensee at least six weeks but not more than eight weeks  
1 25 before the date the driver's license is due to expire. The  
1 26 notice shall be mailed to the most recent address of record for  
1 27 the licensee and shall remind the licensee of the expiration  
1 28 date and the period for renewal of the license.

1 29 The bill specifies that the expiration of a license or the  
1 30 requirements for renewal of an expired license are not affected  
1 31 by failure of a licensee to receive a notice.

LSB 2266HH (2) 84

dea/nh



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**House File 318 - Introduced**

HOUSE FILE

BY ALONS, CHAMBERS,  
WATTS, SHAW, LUKAN,  
WAGNER, DRAKE,  
RAYHONS, DE BOEF,  
PEARSON,  
VAN ENGELLENHOVEN,  
RASMUSSEN, and IVERSON

**A BILL FOR**

1 An Act excluding from the computation of net income the net  
2 capital gain from the sale of certain business property and  
3 including retroactive applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1678YH (8) 84  
tw/sc





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House File 318 - Introduced continued

PAG LIN

1 1 Section 1. Section 422.7, subsection 21, paragraph a, Code  
1 2 2011, is amended to read as follows:

1 3 a. (1) Net capital gain from the sale of real property or  
1 4 equipment used in a business, in which the taxpayer materially  
1 5 participated for ~~ten~~ three years, as defined in section 469(h)  
1 6 of the Internal Revenue Code, and which has been held for a  
1 7 minimum of ~~ten~~ three years, or from the sale of a business,  
1 8 as defined in section 423.1, in which the taxpayer materially  
1 9 participated for ~~ten~~ three years, as defined in section 469(h)  
1 10 of the Internal Revenue Code, and which has been held for a  
1 11 minimum of ~~ten~~ three years. The sale of a business means the  
1 12 sale of all or substantially all of the tangible personal  
1 13 property or service of the business.

1 14 (a) However, where the business is sold to individuals who  
1 15 are all lineal descendants of the taxpayer, the taxpayer does  
1 16 not have to have materially participated in the business in  
1 17 order for the net capital gain from the sale to be excluded  
1 18 from taxation.

1 19 (b) However, in lieu of the net capital gain deduction  
1 20 in this paragraph and paragraphs "b", "c", and "d", where the  
1 21 business is sold to individuals who are all lineal descendants  
1 22 of the taxpayer, the amount of capital gain from each capital  
1 23 asset may be subtracted in determining net income.

1 24 (2) For purposes of this paragraph "a", "lineal descendant"  
1 25 means children of the taxpayer, including legally adopted  
1 26 children and biological children, stepchildren, grandchildren,  
1 27 great=grandchildren, and any other lineal descendants of the  
1 28 taxpayer.

1 29 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies  
1 30 retroactively to January 1, 2011, for assets acquired, and for  
1 31 tax years beginning, on or after that date.

1 32 EXPLANATION

1 33 Current law provides an exclusion from the computation  
1 34 of net income for the net capital gain from the sale of  
1 35 real property used in a business if the taxpayer materially



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2 1 participated in the business for 10 years and if the property  
2 2 is held for 10 years or more.  
2 3     This bill applies the exclusion to the sale of business  
2 4 equipment as well as real property and reduces the required  
2 5 holding and participation periods for such property to three  
2 6 years.  
2 7     The bill applies retroactively to January 1, 2011, for  
2 8 assets acquired and for tax years beginning on or after that  
2 9 date.

LSB 1678YH (8) 84

tw/sc



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**House File 319 - Introduced**

HOUSE FILE  
BY WAGNER

**A BILL FOR**

1 An Act establishing a property tax exemption for certain  
2 residential property.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2365YH (5) 84  
md/sc



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PAG LIN

1 1 Section 1. Section 427.1, Code 2011, is amended by adding  
1 2 the following new subsection:

1 3 NEW SUBSECTION. 38. Residential preservation.

1 4 a. A single=family residence used primarily for human  
1 5 habitation that was constructed more than one hundred years  
1 6 prior to the date upon which the application for the exemption  
1 7 is filed. To be eligible for the exemption, not less than  
1 8 fifty percent of the internal and external structure and  
1 9 features of the residence shall be the result of the original  
1 10 construction of the residence. The exemption shall not  
1 11 apply to the land upon which the residence is located. The  
1 12 exemption shall apply to the assessment year beginning after  
1 13 the application for the exemption is filed.

1 14 b. Applications for exemption shall be filed with the  
1 15 assessing authority not later than February 1 of the first  
1 16 year for which the exemption is requested, on forms provided  
1 17 by the department of revenue. The application shall describe  
1 18 and locate the specific residence for which the exemption is  
1 19 requested.

1 20 c. Once the exemption is granted, the exemption shall  
1 21 continue to be granted for subsequent assessment years without  
1 22 further filing of applications as long as the residence  
1 23 continues to meet the requirements of this subsection. The  
1 24 taxpayer shall notify the assessing authority when the  
1 25 structure ceases to meet the requirements of this subsection.

1 26 Sec. 2. IMPLEMENTATION. Section 25B.7 shall not apply to  
1 27 the provisions of this Act.

1 28 EXPLANATION

1 29 This bill establishes a property tax exemption for  
1 30 single=family residences used primarily for human habitation  
1 31 that were constructed more than 100 years prior to the date  
1 32 upon which the application for the exemption is filed. To be  
1 33 eligible for the exemption under the bill, not less than 50  
1 34 percent of the internal and external structure and features of  
1 35 the residence shall be the result of the original construction



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2 1 of the residence. The exemption does not apply to the land  
2 2 upon which the residence is located.  
2 3     The exemption applies to the assessment year beginning  
2 4 after the date upon which the application for the exemption  
2 5 is filed. Applications for the exemption shall be filed with  
2 6 the assessing authority not later than February 1 of the first  
2 7 year for which the exemption is requested, on forms provided  
2 8 by the department of revenue. The application shall describe  
2 9 and locate the specific residence for which the exemption is  
2 10 requested. Once the exemption is granted, the exemption shall  
2 11 continue to be granted for subsequent assessment years without  
2 12 further filing of an application as long as the residence  
2 13 continues to meet the requirements for the exemption. The  
2 14 bill requires the taxpayer to notify the assessing authority  
2 15 when the structure ceases to meet the requirements for the  
2 16 exemption.  
2 17     The bill provides that the provisions in Code section 25B.7,  
2 18 relating to the obligation of the state to reimburse local  
2 19 jurisdictions for property tax credits and exemptions, does not  
2 20 apply to the exemption in the bill.  
LSB 2365YH (5) 84  
md/sc



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**House File 320 - Introduced**

HOUSE FILE  
BY COMMITTEE ON PUBLIC  
SAFETY

(SUCCESSOR TO hSB 18)

**A BILL FOR**

1 An Act relating to the regulation of firearms and ammunition in  
2 a state of public emergency and providing a remedy.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1869HV (1) 84  
rh/rj



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House File 320 - Introduced continued

PAG LIN

1 1 Section 1. Section 29C.3, subsection 4, paragraph e, Code  
1 2 2011, is amended by striking the paragraph.  
1 3 Sec. 2. Section 29C.6, subsection 16, Code 2011, is amended  
1 4 to read as follows:  
1 5 16. Suspend or limit the sale, dispensing, or  
1 6 transportation of alcoholic beverages, ~~firearms~~, explosives,  
1 7 and combustibles.  
1 8 Sec. 3. NEW SECTION. 29C.23 Firearms and ammunition ====  
1 9 limitations ==== exceptions ==== remedies.  
1 10 1. This chapter shall not be construed to authorize the  
1 11 governor or any other official of this state or any of its  
1 12 political subdivisions or any agent or person acting at the  
1 13 direction of the governor or any such official to do any of the  
1 14 following:  
1 15 a. Prohibit, regulate, or curtail the otherwise lawful  
1 16 possession, carrying, transportation, transfer, or defensive  
1 17 use of firearms or ammunition.  
1 18 b. Suspend or revoke, except in accordance with section  
1 19 724.13, a permit issued pursuant to section 724.6, 724.7, or  
1 20 724.15.  
1 21 c. Seize or confiscate firearms and ammunition possessed in  
1 22 accordance with the laws of this state.  
1 23 2. This section shall not prohibit any of the following:  
1 24 a. The temporary closure or limitations on the operating  
1 25 hours of businesses that sell firearms or ammunition if the  
1 26 same operating restrictions apply to all businesses in the  
1 27 affected area.  
1 28 b. Regulations pertaining to firearms and ammunition used  
1 29 or carried for official purposes by law enforcement officers  
1 30 or persons acting under the authority of emergency management  
1 31 agencies or officials.  
1 32 3. a. A person aggrieved by a violation of this section  
1 33 may seek relief in an action at law or in equity or in any  
1 34 other proper proceeding for actual damages, injunctive relief,  
1 35 or other appropriate redress against a person who commits or



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2 1 causes the commission of such violation.

2 2     b. In addition to any other remedy available at law or in  
2 3 equity, a person aggrieved by the seizure or confiscation of  
2 4 a firearm or ammunition in violation of this section may make  
2 5 application for its return in the office of the clerk of court  
2 6 for the county in which the property was seized pursuant to  
2 7 section 809.3.

2 8     c. In an action or proceeding to enforce this section, the  
2 9 court shall award the prevailing plaintiff reasonable court  
2 10 costs and attorney fees.

2 11                   EXPLANATION

2 12     This bill relates to the regulation of firearms and  
2 13 ammunition in a state of public emergency.

2 14     The bill provides that Code chapter 29C, relating to a  
2 15 public disorder or disaster emergency proclamation by the  
2 16 governor, shall not be construed to authorize the governor  
2 17 or any other official of this state or any of its political  
2 18 subdivisions acting at the direction of the governor or other  
2 19 official to prohibit, regulate, or curtail the otherwise lawful  
2 20 possession, carrying, transportation, transfer, or defensive  
2 21 use of firearms or ammunition, to suspend or revoke, except  
2 22 in as otherwise authorized, a permit to carry weapons issued  
2 23 pursuant to Code section 724.6 or 724.7 or a permit to acquire  
2 24 pistols or revolvers issued pursuant to Code section 724.15,  
2 25 or to seize or confiscate firearms or ammunition possessed in  
2 26 accordance with state law.

2 27     The bill does not prohibit the temporary closure or  
2 28 limitations on the operating hours of businesses that sell  
2 29 firearms or ammunition if the same operating restrictions  
2 30 apply to all businesses in the affected area or regulations  
2 31 pertaining to firearms used or carried for official purposes by  
2 32 law enforcement officers or persons acting under the authority  
2 33 of emergency management agencies or officials.

2 34     The bill allows a person aggrieved by a violation under  
2 35 the bill to seek relief in an action at law or in equity or





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3 1 in any other proper proceeding for actual damages, injunctive  
3 2 relief, or other appropriate redress, including court costs  
3 3 and attorney fees, against a person who commits or causes  
3 4 the commission of such violation. In addition to any other  
3 5 remedy available at law or in equity, a person aggrieved by  
3 6 the seizure or confiscation of a firearm or ammunition in  
3 7 violation of the bill may file an application for its return  
3 8 in the office of the clerk of court for the county in which the  
3 9 property was seized pursuant to Code section 809.3.  
3 10 The bill makes conforming changes to Code sections 29C.3 and  
3 11 29C.6 relating to the governor's authority under current law to  
3 12 prohibit the possession of firearms or any other deadly weapon  
3 13 by a person other than at that person's place of residence  
3 14 or business and to suspend or limit the sale, dispensing, or  
3 15 transportation of firearms.

LSB 1869HV (1) 84

rh/rj



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## House File 321 - Introduced

HOUSE FILE  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 65)

**A BILL FOR**

1 An Act modifying the duties of a county attorney relating to  
2 schools and to the extradition of criminal defendants and  
3 securing of certain witnesses.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1921HV (2) 84  
jm/sc



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House File 321 - Introduced continued

PAG LIN

1 1 Section 1. Section 257B.10, Code 2011, is amended to read  
1 2 as follows:  
1 3 257B.10 Uniform interest date.  
1 4 If money is due to the permanent school fund, either for  
1 5 loans or deferred payments of the purchase price of land sold,  
1 6 the interest shall be made payable on the first day of January  
1 7 each year, and if the debtor fails to pay the interest within  
1 8 six months of the date it is due, the entire amount of both  
1 9 principal and interest shall become due, and the county auditor  
1 10 shall report the nonpayment to the ~~county attorney~~ school  
1 11 board, ~~who shall~~ which may immediately commence action for the  
1 12 collection of the amount reported as due. This section is a  
1 13 part of a contract made by virtue of this chapter, whether  
1 14 expressed in the contract or not.  
1 15 Sec. 2. Section 257B.33, Code 2011, is amended to read as  
1 16 follows:  
1 17 257B.33 Suit ==== attorney fee.  
1 18 If the debtor does not comply with the notice, the auditor  
1 19 shall report the noncompliance to the ~~county attorney~~ school  
1 20 board, ~~who shall~~ which may bring an action to recover the debt,  
1 21 and an injunction may issue for cause, without bond when so  
1 22 petitioned, and there shall be allowed in the judgment, entered  
1 23 and taxed as a part of the costs in the case, a reasonable sum  
1 24 as compensation to plaintiff's attorney, not exceeding the  
1 25 amount provided by law for attorney fees.  
1 26 Sec. 3. Section 331.756, subsection 7, Code 2011, is amended  
1 27 to read as follows:  
1 28 7. Give advice or a written opinion, without compensation,  
1 29 to the board and other county officers and to ~~school and~~  
1 30 township officers, when requested by an officer, upon any  
1 31 matters in which the state, county, ~~school,~~ or township is  
1 32 interested, or relating to the duty of the officer in any  
1 33 matters in which the state, county, ~~school,~~ or township may  
1 34 have an interest, but the county attorney shall not appear  
1 35 before the board at a hearing in which the state or county is



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House File 321 - Introduced continued

2 1 not interested.

2 2 Sec. 4. Section 331.756, subsection 54, Code 2011, is  
2 3 amended by striking the subsection.

2 4 Sec. 5. Section 331.756, subsection 82, Code 2011, is  
2 5 amended to read as follows:

2 6 82. Carry out duties relating to extradition of fugitive  
2 7 defendants as provided in chapter ~~818~~ 820 and securing  
2 8 witnesses as provided in chapter 819.

2 9 Sec. 6. REPEAL. Chapter 818, Code 2011, is repealed.

2 10 Sec. 7. REPEAL. Chapter 819A, Code 2011, is repealed.

2 11 EXPLANATION

2 12 This bill relates to the duties of a county attorney  
2 13 including providing advice and required legal representation  
2 14 to schools and duties related to the extradition of criminal  
2 15 defendants and securing of witnesses.

2 16 The bill strikes provisions requiring a county attorney  
2 17 to bring an action against a debtor who owes money to the  
2 18 permanent school fund created in Code chapter 257B. The bill  
2 19 specifies the school board may bring the action against a  
2 20 debtor who owes money to the permanent school fund.

2 21 The bill strikes a provision requiring a county attorney to  
2 22 provide legal advice to a school or school officer.

2 23 The bill repeals Code chapter 818 which establishes  
2 24 the interstate extradition compact for fugitive criminal  
2 25 defendants. The bill does not affect Code chapter 819 (uniform  
2 26 Act to secure witnesses from without the state) which is  
2 27 similar to Code chapter 818.

2 28 The bill also repeals Code chapter 819A relating to the  
2 29 uniform Act for rendition of prisoners as witnesses in criminal  
2 30 proceedings. The bill does not affect Code chapter 820  
2 31 (uniform criminal extradition Act) which is similar to Code  
2 32 chapter 819A.

LSB 1921HV (2) 84

jm/sc



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**House File 322 - Introduced**

HOUSE FILE  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO HSB 23)

**A BILL FOR**

1 An Act relating to the creation of a task force concerning drug  
2 product selection relative to antiepileptic drugs for the  
3 treatment of epileptic seizures and including effective date  
4 provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1836HV (2) 84

pf/nh



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House File 322 - Introduced continued

PAG LIN

1 1 Section 1. EPILEPSY TREATMENT AND EDUCATION TASK FORCE.  
1 2 1. a. Within sixty days of the effective date of this  
1 3 Act, a task force consisting of patients, physicians,  
1 4 and pharmacists shall be formed to provide education and  
1 5 information and to assess the impact on people with epilepsy of  
1 6 generically equivalent drug product selection of antiepileptic  
1 7 drugs for the treatment of epileptic seizures. The department  
1 8 of public health shall provide administrative support to the  
1 9 task force.  
1 10 b. The membership of the task force shall consist of the  
1 11 following members, appointed by the specified organization:  
1 12 (1) Three patients or patient representatives appointed by  
1 13 the epilepsy foundation of Iowa.  
1 14 (2) Three physicians appointed by the Iowa medical society  
1 15 and the Iowa osteopathic medical association.  
1 16 (3) Three pharmacists appointed by the Iowa pharmacy  
1 17 association in collaboration with the Iowa retail federation.  
1 18 2. a. A subcommittee of the task force, equally  
1 19 representative of patients, physicians, and pharmacists, shall  
1 20 work with the epilepsy foundation of Iowa and other appropriate  
1 21 entities to develop education and information materials on  
1 22 epilepsy treatment and medication selection.  
1 23 b. The materials shall be developed and distributed in a  
1 24 manner that informs the perspectives of patients, physicians,  
1 25 pharmacists, and insurers.  
1 26 3. The department of public health, in consultation with  
1 27 the epilepsy foundation of Iowa, shall administer any funds  
1 28 appropriated or received for the purposes of the task force.  
1 29 The funds shall be distributed through a grant to the epilepsy  
1 30 foundation of Iowa for the development and distribution of  
1 31 education and information materials as specified in this  
1 32 section.  
1 33 4. It is the intent of the general assembly that the only  
1 34 changes made in the law regarding drug product selection of  
1 35 antiepileptic drugs for the treatment of epileptic seizures



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2 1 for the duration of the task force shall be those necessary  
2 2 to comply with changes by the United States food and drug  
2 3 administration regarding interchangeability standards for the  
2 4 use of substitution for such drugs.  
2 5 5. The task force shall submit a report of its activities,  
2 6 findings, and any recommendations to the general assembly by  
2 7 January 1, 2013. The task force shall be dissolved on that  
2 8 date.  
2 9 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
2 10 immediate importance, takes effect upon enactment.  
2 11 EXPLANATION  
2 12 This bill establishes a task force consisting of patients,  
2 13 physicians, and pharmacists to provide education and  
2 14 information to assess the impact on people with epilepsy of  
2 15 generically equivalent drug product selection of antiepileptic  
2 16 drugs for the treatment of epileptic seizures. The department  
2 17 of public health (DPH) is to provide administrative support  
2 18 to the task force. A subcommittee of the task force is  
2 19 to be formed to work with the epilepsy foundation of Iowa  
2 20 and other appropriate entities to develop and distribute  
2 21 education and information materials on epilepsy treatment and  
2 22 medication selection. Any funding appropriated or received  
2 23 for the purpose of the task force is to be administered by  
2 24 DPH in consultation with the epilepsy foundation of Iowa and  
2 25 distributed in a grant to the foundation for the development  
2 26 and distribution of the materials. The bill provides that it  
2 27 is the intent of the general assembly that any changes in law  
2 28 regarding drug product selection of antiepileptic drugs for  
2 29 the treatment of epileptic seizures for the duration of the  
2 30 task force shall be only those necessary to comply with changes  
2 31 in federal interchangeability standards for such drugs. The  
2 32 task force is required to submit a report of its activities,  
2 33 findings, and any recommendations to the governor and the  
2 34 general assembly by January 1, 2013, and is dissolved on that  
2 35 date.



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3 1 The bill takes effect upon enactment.  
LSB 1836HV (2) 84  
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**House File 323 - Introduced**

HOUSE FILE  
BY COMMITTEE ON ECONOMIC  
GROWTH/REBUILD IOWA

(SUCCESSOR TO HF 180)

**A BILL FOR**

1 An Act relating to the rulemaking authority and voting  
2 requirements of the environmental protection commission.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1069HV (1) 84  
jr/nh



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House File 323 - Introduced continued

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1 1 Section 1. Section 455A.6, subsection 5, Code 2011, is  
1 2 amended by striking the subsection and inserting in lieu  
1 3 thereof the following:  
1 4 5. Six members of the commission is a quorum, and a majority  
1 5 of the commission membership may act in any matter within the  
1 6 jurisdiction of the commission.  
1 7 Sec. 2. Section 455A.6, subsection 6, paragraph a, Code  
1 8 2011, is amended to read as follows:  
1 9 a. Establish policy for the department and adopt rules,  
1 10 pursuant to chapter 17A, necessary to provide for the  
1 11 effective administration of chapter 455B, 455C, or 459. The  
1 12 commission shall have only that authority or discretion which  
1 13 is explicitly delegated to or conferred upon the commission by  
1 14 chapter 455B, 455C, or 459, and shall not expand or enlarge on  
1 15 that authority or discretion.

1 16 EXPLANATION

1 17 Under current law five members of the environmental  
1 18 protection commission is a quorum, and a majority of a quorum  
1 19 may take action. This bill sets the quorum at six members and  
1 20 requires a majority of the commission membership (five votes)  
1 21 to take action.

1 22 The bill also would limit the commission's authority to  
1 23 implement the provisions of Code chapter 455B, 455C, or 459 to  
1 24 the authority that is explicitly set out in those chapters.

LSB 1069HV (1) 84

jr/nh



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**House File 324 - Introduced**

HOUSE FILE  
BY COMMITTEE ON ECONOMIC  
GROWTH/REBUILD IOWA

(SUCCESSOR TO HF 176)

**A BILL FOR**

1 An Act relating to the implementation of federal statute,  
2 regulation, or policy by state administrative agencies.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2148HV (2) 84  
jr/sc



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House File 324 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 7E.8 Implementation of federal  
1 2 statute, regulation, or policy.  
1 3 1. Except as otherwise explicitly authorized by state law, a  
1 4 state administrative agency charged with the implementation of  
1 5 a federal statute, regulation, or policy shall not exceed the  
1 6 specific requirements of that statute, regulation, or policy.  
1 7 2. Any portion of a state administrative agency rule or  
1 8 policy that is in violation of subsection 1 is void.  
1 9 EXPLANATION  
1 10 This bill provides that state implementation of a federal  
1 11 statute, regulation, or policy by a state administrative  
1 12 agency shall not exceed the specific requirements of the  
1 13 federal statute, regulation, or policy, except as specifically  
1 14 allowed by state law. Any portion of a state rule or policy in  
1 15 violation of this requirement is void.  
LSB 2148HV (2) 84  
jr/sc



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## House File 325 - Introduced

HOUSE FILE

BY J. TAYLOR, WILLEMS,  
HANSON, STECKMAN,  
PAUSTIAN, WINDSCHITL,  
KAUFMANN, BYRNES,  
KLEIN, CHAMBERS, SHAW,  
LUKAN, DE BOEF, and  
FRY

### A BILL FOR

1 An Act relating to administrators of school districts and area  
2 education agencies and providing a penalty.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1633YH (10) 84  
kh/nh



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House File 325 - Introduced continued

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1 1 Section 1. Section 256.9, subsection 51, Code 2011, is  
1 2 amended to read as follows:  
1 3 51. a. Develop Iowa standards for school district and  
1 4 area education agency administrators, including knowledge and  
1 5 skill criteria, and develop, based on the Iowa standards for  
1 6 administrators, mentoring and induction, evaluation processes,  
1 7 and professional development plans pursuant to chapter 284A.  
1 8 The criteria shall further define the characteristics of  
1 9 quality administrators as established by the Iowa standards for  
1 10 school administrators.

1 11 b. Define the qualifications, duties, and responsibilities  
1 12 of school district and area education agency administrators,  
1 13 other than superintendents and chief administrators, which  
1 14 a school district or area education agency shall use in  
1 15 determining administrator salaries in accordance with section  
1 16 273.3A, subsection 2, or section 279.25A, subsection 2, as  
1 17 appropriate.

1 18 Sec. 2. Section 273.3, subsection 11, Code 2011, is amended  
1 19 to read as follows:

1 20 11. Employ personnel to carry out the functions of the  
1 21 area education agency which shall include the employment of an  
1 22 administrator who shall possess a license issued under chapter  
1 23 272. The administrator shall be employed pursuant to section  
1 24 279.20 and sections 279.23, 279.24, and 279.25. The salary for  
1 25 an area education agency administrator shall be established by  
1 26 the board based upon the previous experience and education of  
1 27 the administrator. However, the salary limitations and the  
1 28 penalty established pursuant to section 273.3A shall apply.

1 29 Section 279.13 applies to the area education agency board  
1 30 and to all teachers employed by the area education agency.  
1 31 Sections 279.23, 279.24, and 279.25 apply to the area education  
1 32 board and to all administrators employed by the area education  
1 33 agency.

1 34 Sec. 3. NEW SECTION. 273.3A Administrative salary limits ====  
1 35 state aid penalty.



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2 1 1. If a chief administrator is employed by an area education  
2 2 agency pursuant to section 273.3, the maximum annual base  
2 3 salary paid by the board of directors of the area education  
2 4 agency to the chief administrator, if the chief administrator  
2 5 is not employed jointly with another area education agency,  
2 6 shall not exceed an amount equivalent to two and one-half times  
2 7 the highest maximum annual base teacher salary paid by a school  
2 8 district located within the boundaries of the area education  
2 9 agency, exclusive of extra duty pay.

2 10 2. If an administrator as defined pursuant to section  
2 11 256.9, subsection 51, paragraph "b", is employed by an area  
2 12 education agency pursuant to section 273.3, the maximum  
2 13 annual base salary paid by the board of directors of the area  
2 14 education agency to a principal or assistant administrator, if  
2 15 the administrator is not employed jointly with another area  
2 16 education agency, shall not exceed an amount equivalent to one  
2 17 and three-fourths times the highest maximum annual base teacher  
2 18 salary paid by a school district located within the boundaries  
2 19 of the area education agency, exclusive of extra duty pay.

2 20 3. An administrator who meets the requirements of  
2 21 subsection 1 or 2 is ineligible for extra duty pay from an area  
2 22 education agency.

2 23 4. If the department of education determines that an area  
2 24 education agency is not in compliance with this section, the  
2 25 department shall instruct the director of the department  
2 26 of management to withhold state aid to the area education  
2 27 agency in an amount equivalent to the amount by which the area  
2 28 education agency exceeded the limits established pursuant to  
2 29 this section.

2 30 Sec. 4. NEW SECTION. 279.25A Administrator salary limits ====

2 31 state aid penalty.

2 32 1. The maximum annual base salary paid by the board of  
2 33 directors of a school district to the superintendent of the  
2 34 school district, if the superintendent is not employed jointly  
2 35 with another school district under section 280.15, shall not



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3 1 exceed an amount equivalent to two and one-half times the  
3 2 highest maximum annual base teacher salary, exclusive of extra  
3 3 duty pay, paid by the school district.

3 4 2. The maximum annual base salary paid by the board of  
3 5 directors of a school district to an administrator as defined  
3 6 pursuant to section 256.9, subsection 51, paragraph "b", if  
3 7 the administrator is not employed jointly with another school  
3 8 district under section 280.15, shall not exceed an amount  
3 9 equivalent to one and three-fourths times the highest maximum  
3 10 annual base teacher salary, exclusive of extra duty pay, paid  
3 11 by the school district.

3 12 3. An administrator who meets the requirements of  
3 13 subsection 1 or 2 is ineligible for extra duty pay from a  
3 14 school district.

3 15 4. If the department of education determines that a school  
3 16 district is not in compliance with this section, the department  
3 17 shall instruct the director of the department of management  
3 18 to withhold state aid to the school district in an amount  
3 19 equivalent to the amount by which the school district exceeded  
3 20 the limits established pursuant to this section.

3 21 EXPLANATION

3 22 This bill limits the maximum annual base salary paid by  
3 23 the board of directors of school districts and area education  
3 24 agencies (AEAs) to administrators, and directs the director  
3 25 of the department of education to define the qualifications,  
3 26 duties, and responsibilities of school district and AEA  
3 27 administrators, which the school districts and AEAs must use in  
3 28 determining administrator salaries.

3 29 The bill limits the maximum annual base salary paid to a  
3 30 superintendent of the school district or chief administrator  
3 31 of an AEA, if the superintendent or chief administrator is  
3 32 not employed jointly with another school district or AEA,  
3 33 respectively, to not more than an amount equivalent to 2.5  
3 34 times the highest maximum annual base teacher salary, exclusive  
3 35 of extra duty pay, paid by the school district or, in the case





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4 1 of the chief administrator of an AEA, paid by a school district  
4 2 within the boundaries of the AEA.

4 3 For administrators as defined by the director, the amount  
4 4 is limited to an amount equivalent to 1.75 times the highest  
4 5 maximum annual base teacher salary, exclusive of extra duty  
4 6 pay.

4 7 The bill provides that administrators under these salary  
4 8 restrictions are ineligible for extra duty pay.

4 9 If the department of education determines that a school  
4 10 district or AEA is noncompliant, the department shall instruct  
4 11 the director of the department of management to withhold state  
4 12 aid to the school district or AEA in an amount equivalent to  
4 13 the amount by which the school district or AEA exceeded the  
4 14 compensation limits.

LSB 1633YH (10) 84

kh/nh



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**House File 326 - Introduced**

HOUSE FILE  
BY ISENHART

**A BILL FOR**

1 An Act providing for the collection and retention of fees by  
2 the public employment relations board.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2453YH (2) 84  
je/nh



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1 1 Section 1. Section 20.6, Code 2011, is amended by adding the  
1 2 following new subsection:  
1 3 NEW SUBSECTION. 4A. Establish and collect fees payable by a  
1 4 person or entity accessing one or more services available from  
1 5 or through the board. The board may charge a person or entity  
1 6 a fee for accessing the services of the federal mediation  
1 7 and conciliation service through the board if the person or  
1 8 entity does not otherwise have a right to directly access such  
1 9 services, unless otherwise prohibited by federal law. The  
1 10 board shall only establish and collect fees necessary for the  
1 11 board to continue offering services required by this chapter.  
1 12 A fee shall not exceed the cost of the service associated  
1 13 with the fee. The board shall not establish a fee which  
1 14 would significantly impair the accessibility of any service  
1 15 provided by the board. All fees collected by the board shall  
1 16 be retained as repayment receipts, as defined in section 8.2,  
1 17 and such fees shall be used exclusively to offset the costs of  
1 18 administering this chapter.

1 19 EXPLANATION

1 20 This bill provides that the public employment relations  
1 21 board has the power to establish and collect fees payable by  
1 22 a person or entity accessing one or more services available  
1 23 from or through the board. The bill provides that the board  
1 24 may charge a person or entity a fee for accessing the services  
1 25 of the federal mediation and conciliation service through  
1 26 the board if the person or entity does not otherwise have  
1 27 a right to directly access such services, unless otherwise  
1 28 prohibited by federal law. The bill provides that the board  
1 29 can only establish and collect fees necessary for the board  
1 30 to continue offering services required by Code chapter 20.  
1 31 The bill specifies that a fee cannot exceed the cost of the  
1 32 service associated with the fee or significantly impair the  
1 33 accessibility of any service provided by the board. The bill  
1 34 provides that fees collected by the board shall be retained as  
1 35 repayment receipts to be used by the board to offset the costs



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2 1 of administering Code chapter 20.  
LSB 2453YH (2) 84  
je/nh



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**House File 327 - Introduced**

HOUSE FILE  
BY RAYHONS

(COMPANION TO 2047SS  
BY bartz)

**A BILL FOR**

1 An Act providing for special deer hunting licenses for certain  
2 nonresident landowners and providing penalties and an  
3 appropriation.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2047HH (3) 84  
av/nh



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1 1 Section 1. NEW SECTION. 483A.8D Special nonresident  
1 2 landowner deer hunting licenses.  
1 3 1. As used in this section:  
1 4 a. "Family member" means a nonresident who is the spouse or  
1 5 child of the owner.  
1 6 b. "Farm unit" means all parcels of land which are certified  
1 7 by the commission pursuant to rule as meeting the following  
1 8 requirements:  
1 9 (1) Are in tracts of eighty or more contiguous acres.  
1 10 (2) Are under the lawful control of the owner.  
1 11 c. "Owner" means a nonresident who is the owner of a farm  
1 12 unit for taxation purposes.  
1 13 2. Notwithstanding section 483A.8, subsection 5, upon  
1 14 written application on forms furnished by the department and  
1 15 payment of a fee of one thousand dollars, the department shall  
1 16 issue annually two deer hunting licenses, one antlered or any  
1 17 sex deer hunting license and one antlerless deer only deer  
1 18 hunting license, to the owner of a farm unit or to a family  
1 19 member of the owner, but limited to a total of two licenses for  
1 20 both.  
1 21 3. In addition, if an owner of a farm unit or a family  
1 22 member of the owner purchases deer hunting licenses pursuant to  
1 23 subsection 2, that person may purchase additional antlerless  
1 24 deer only deer hunting licenses which are valid only for use on  
1 25 the farm unit under the same conditions and for the same price  
1 26 as resident owners and their family members.  
1 27 4. The deer hunting licenses issued shall be valid only for  
1 28 use on the farm unit for which the applicant applies pursuant  
1 29 to this section.  
1 30 5. An owner who owns more than one farm unit or a family  
1 31 member of that owner is eligible to obtain licenses pursuant to  
1 32 this section for only one farm unit.  
1 33 6. If a farm unit has multiple owners, only one owner and  
1 34 that owner's family members may apply for licenses pursuant to  
1 35 this section.



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2 1 7. If deer hunting licenses are issued to an owner or  
2 2 family member for use on a farm unit pursuant to this section,  
2 3 a tenant of the farm unit is not eligible to receive a special  
2 4 license pursuant to section 483A.24 for use on that farm unit.  
2 5 8. The deer hunting licenses issued pursuant to this section  
2 6 may be used during any deer hunting season.  
2 7 9. A person who receives a deer hunting license pursuant to  
2 8 this section shall be otherwise qualified to hunt deer in this  
2 9 state, pay the wildlife habitat fee, and pay the one dollar fee  
2 10 for the purpose of deer herd population management, including  
2 11 assisting with the cost of processing deer donated to the help  
2 12 us stop hunger program administered by the commission.  
2 13 10. a. A deer hunting license issued pursuant to this  
2 14 section shall be attested by the signature of the person to  
2 15 whom the license is issued and shall contain a statement in  
2 16 substantially the following form:  
2 17 By signing this license I certify that I qualify as an owner  
2 18 or family member under Iowa Code section 483A.8D.  
2 19 b. A person who makes a false attestation under this  
2 20 subsection is guilty of a simple misdemeanor. In addition, the  
2 21 person's deer hunting license shall be revoked and the person  
2 22 shall not be issued a deer hunting license for a period of one  
2 23 year.  
2 24 11. Fifty percent of the license fees collected pursuant to  
2 25 this section and deposited in the Iowa resources enhancement  
2 26 and protection fund created pursuant to section 455A.18 shall  
2 27 be allocated to the open spaces account created in section  
2 28 455A.19 to be used for the purpose of land acquisition by the  
2 29 state.

2 30 EXPLANATION

2 31 This bill creates new Code section 483A.8D, which provides  
2 32 for the issuance of special deer hunting licenses to certain  
2 33 nonresident owners of farm units in the state and their family  
2 34 members. For the purposes of the bill, a "farm unit" is a  
2 35 parcel of land consisting of a tract of 80 or more contiguous



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3 1 acres under the lawful control of the owner. An "owner" is  
3 2 a nonresident who is the owner of a farm unit for taxation  
3 3 purposes. A "family member" is the nonresident spouse or child  
3 4 of the owner.

3 5 The bill provides that annually, upon written application  
3 6 and payment of a fee of \$1,000, the owner of a farm unit or  
3 7 the owner's family member can obtain one antlered or any  
3 8 sex deer hunting license and one antlerless deer only deer  
3 9 hunting license, but limited to a total of two licenses for  
3 10 both persons, that are valid for use only on the owner's farm  
3 11 unit. In addition, if an owner of a farm unit or a family  
3 12 member of the owner purchases deer hunting licenses pursuant to  
3 13 subsection 2, that person may purchase additional antlerless  
3 14 deer only deer hunting licenses which are valid only for use on  
3 15 the farm unit under the same conditions and for the same price  
3 16 as resident owners and their family members.

3 17 The owner of more than one farm unit can obtain licenses  
3 18 pursuant to the bill for only one farm unit. If a farm unit has  
3 19 multiple owners, only one owner and that owner's family members  
3 20 can apply for such licenses. If licenses are issued to any  
3 21 owner or family member for use on a farm unit, a tenant of that  
3 22 farm unit is not eligible to receive special resident landowner  
3 23 licenses pursuant to Code section 483A.24.

3 24 Deer hunting licenses issued pursuant to the bill's  
3 25 provisions may be used during any deer hunting season.

3 26 A person who receives a license pursuant to the new  
3 27 provisions must be otherwise qualified to hunt deer in the  
3 28 state, pay the wildlife habitat fee, and pay the one dollar fee  
3 29 for the purpose of deer herd population management, including  
3 30 assisting with the cost of processing deer donated to the help  
3 31 us stop hunger program administered by the natural resource  
3 32 commission.

3 33 A deer hunting license issued pursuant to the bill must be  
3 34 attested by the signature of the person to whom the license  
3 35 is issued that the person qualifies as an owner or family





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4 1 member under the new Code section. A person who makes a false  
4 2 attestation is guilty of a simple misdemeanor and shall have  
4 3 their deer hunting license revoked and not receive another  
4 4 deer hunting license for one year. A simple misdemeanor is  
4 5 punishable by confinement for no more than 30 days or a fine of  
4 6 at least \$65 but not more than \$625 or by both.  
4 7 Fifty percent of the license fees generated by the new  
4 8 provision are to be deposited in the Iowa resources enhancement  
4 9 and protection fund created pursuant to Code section 455A.18  
4 10 and allocated to the open spaces account of that fund created  
4 11 in Code section 455A.19 to be used for the purpose of land  
4 12 acquisition by the state.  
4 13 Currently, the natural resource commission is limited to  
4 14 issuing only 6,000 nonresident antlered or any sex deer hunting  
4 15 licenses each year. After these licenses are issued, the  
4 16 commission can issue additional nonresident antlerless deer  
4 17 only deer hunting licenses. All nonresident deer hunting  
4 18 licenses are allocated among zones based on the populations of  
4 19 deer in the state. The fee for a nonresident antlered or any  
4 20 sex deer hunting license is \$295 and must be accompanied by the  
4 21 purchase of an antlerless deer only deer hunting license that  
4 22 costs an additional \$125. The fee for an antlerless deer only  
4 23 deer hunting license alone is \$225.  
4 24 A nonresident landowner who is unsuccessful in obtaining one  
4 25 of the 6,000 available nonresident antlered or any sex deer  
4 26 hunting licenses is given preference in obtaining a nonresident  
4 27 antlerless deer only deer hunting license, but that license  
4 28 is valid only for hunting on the nonresident's land. The fee  
4 29 for a nonresident landowner antlerless deer only deer hunting  
4 30 license is also \$225.

LSB 2047HH (3) 84

av/nh



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## House Study Bill 106

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL  
BY CHAIRPERSON COWNIE)

### A BILL FOR

1 An Act excluding certain employees of the secretary of state  
2 from the public employee collective bargaining law.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2374YC (2) 84  
je/rj



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House Study Bill 106 continued

PAG LIN

1 1 Section 1. NEW SECTION. 9.8 Employee classifications.  
1 2 In addition to public employees listed in section 20.4,  
1 3 public employees of the secretary of state who hold positions  
1 4 that are classified in the information technology series and  
1 5 administrative assistant series are excluded from chapter 20.  
1 6 EXPLANATION  
1 7 This bill excludes employees of the secretary of state  
1 8 who hold positions that are classified in the information  
1 9 technology series and administrative assistant series from Code  
1 10 chapter 20, relating to public employee collective bargaining.  
LSB 2374YC (2) 84  
je/rj



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## House Study Bill 107

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
LOCAL GOVERNMENT BILL  
BY CHAIRPERSON WAGNER)

**A BILL FOR**

1 An Act providing for the nonpartisan election of certain county  
2 officers.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2112YC (5) 84  
aw/sc



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1 1 Section 1. Section 39.21, Code 2011, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 5. The county officers listed in section  
1 4 39.17.  
1 5 Sec. 2. Section 43.6, unnumbered paragraph 1, Code 2011, is  
1 6 amended to read as follows:  
1 7 Candidates for the office of senator in the Congress of the  
1 8 United States, the offices listed in section 39.9, and county  
1 9 ~~supervisor, and the offices listed in section 39.17~~ shall be  
1 10 nominated in the year preceding the expiration of the term of  
1 11 office of the incumbent.  
1 12 Sec. 3. Section 43.6, subsection 2, Code 2011, is amended  
1 13 to read as follows:  
1 14 2. When a vacancy occurs in the office of county supervisor  
1 15 ~~or any of the offices listed in section 39.17~~ and more than  
1 16 seventy days remain in the term of office following the next  
1 17 general election, the office shall be filled for the balance  
1 18 of the unexpired term at that general election unless the  
1 19 vacancy has been filled by a special election called more  
1 20 than seventy=three days before the primary election. If  
1 21 the vacancy occurs more than seventy=three days before the  
1 22 primary election, political party candidates for that office  
1 23 at the next general election shall be nominated at the primary  
1 24 election. If an appointment to fill the vacancy in office is  
1 25 made eighty=eight or more days before the primary election and  
1 26 a petition requesting a special election has not been received  
1 27 within fourteen days after the appointment is made, candidates  
1 28 for the office shall be nominated at the primary election.  
1 29 Sec. 4. Section 43.20, subsection 1, paragraph d, Code 2011,  
1 30 is amended to read as follows:  
1 31 d. If for ~~an~~ the office of county supervisor to be filled  
1 32 by the voters of the entire county or for the office of county  
1 33 supervisor elected from a district within the county, by at  
1 34 least two percent of the party vote in the county or supervisor  
1 35 district, as shown by the last general election, or by at least



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2 1 one hundred persons, whichever is less.

2 2 Sec. 5. Section 43.52, unnumbered paragraph 1, Code 2011,  
2 3 is amended to read as follows:

2 4 The nominee of each political party for ~~any~~ the office ~~to be~~  
~~2 5 filled of county supervisor elected~~ by the voters of the entire  
2 6 county, or for the office of county supervisor elected from  
2 7 a district within the county, shall be the person receiving  
2 8 the highest number of votes cast in the primary election by  
2 9 the voters of that party for the office, and that person shall  
2 10 appear as the party's candidate for the office on the general  
2 11 election ballot.

2 12 Sec. 6. Section 43.67, subsection 1, Code 2011, is amended  
2 13 to read as follows:

2 14 1. Each candidate nominated pursuant to section 43.52  
2 15 or 43.65 is entitled to have the candidate's name printed  
2 16 on the official ballot to be voted at the general election  
2 17 without other certificate unless the candidate was nominated  
2 18 by write-in votes. Immediately after the completion of the  
2 19 canvass held under section 43.49, the county auditor shall  
2 20 notify each person who was nominated by write-in votes for  
2 21 ~~a county~~ the office of county supervisor that the person is  
2 22 required to file an affidavit of candidacy if the person wishes  
2 23 to be a candidate for that office at the general election.  
2 24 Immediately after the completion of the canvass held under  
2 25 section 43.63, the secretary of state shall notify each person  
2 26 who was nominated by write-in votes for a state or federal  
2 27 office that the person is required to file an affidavit of  
2 28 candidacy if the person wishes to be a candidate for that  
2 29 office at the general election. If the affidavit is not  
2 30 filed by 5:00 p.m. on the seventh day after the completion  
2 31 of the canvass, that person's name shall not be placed upon  
2 32 the official general election ballot. The affidavit shall be  
2 33 signed by the candidate, notarized, and filed with the county  
2 34 auditor or the secretary of state, whichever is applicable.

2 35 Sec. 7. Section 43.77, subsection 5, unnumbered paragraph



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3 1 1, Code 2011, is amended to read as follows:  
3 2 A vacancy has occurred in the office of county supervisor  
3 3 ~~or in any of the offices listed in section 39.17~~ and the term  
3 4 of office has more than seventy days remaining after the  
3 5 date of the next general election and one of the following  
3 6 circumstances applies:  
3 7 Sec. 8. Section 43.78, subsection 1, paragraph d, Code 2011,  
3 8 is amended to read as follows:  
3 9 d. For ~~any~~ the office to be filled of county supervisor  
3 10 elected by the voters of an the entire county, by the party's  
3 11 county convention, which may be reconvened by the county party  
3 12 chairperson if the vacancy occurs after the convention has been  
3 13 held or too late to be filled at the time it is held.  
3 14 Sec. 9. Section 43.78, subsection 1, paragraph f, Code 2011,  
3 15 is amended by striking the paragraph.  
3 16 Sec. 10. Section 43.78, subsections 3 and 4, Code 2011, are  
3 17 amended to read as follows:  
3 18 3. The name of any candidate designated to fill a vacancy on  
3 19 the general election ballot in accordance with subsection 1,  
3 20 paragraph "d", or "e", ~~or "f"~~ shall be submitted in writing to  
3 21 the commissioner not later than 5:00 p.m. on the sixty=ninth  
3 22 day before the date of the general election.  
3 23 4. Political party candidates for a vacant seat in  
3 24 the United States house of representatives, the board of  
3 25 supervisors, ~~the elected county offices,~~ or the general  
3 26 assembly which is to be filled at a special election called  
3 27 pursuant to section 69.14 or 69.14A shall be nominated in the  
3 28 manner provided by subsection 1 of this section for filling a  
3 29 vacancy on the general election ballot for the same office.  
3 30 The name of a candidate so nominated shall be submitted in  
3 31 writing to the appropriate commissioner, as required by section  
3 32 43.88, at the earliest practicable time.  
3 33 Sec. 11. Section 49.37, subsection 3, Code 2011, is amended  
3 34 to read as follows:  
3 35 3. The commissioner shall arrange the ~~partisan~~ county



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4 1 offices on the ballot with the board of supervisors first,  
4 2 followed by the other county offices in the same sequence in  
4 3 which they appear in section 39.17. ~~Nonpartisan~~ The offices  
4 4 listed in section 39.21, subsections 1 through 4 shall be  
4 5 listed on the ballot after ~~partisan~~ county offices.  
4 6 Sec. 12. Section 69.14A, subsection 4, Code 2011, is amended  
4 7 to read as follows:  
4 8 4. Notwithstanding ~~subsections~~ subsection 1 and 2, if a  
4 9 nomination has been made at the primary election for an office  
4 10 in which a vacancy has been filled by appointment, the office  
4 11 shall be filled at the next general election, and not at any  
4 12 special election in the same political subdivision.  
4 13 Sec. 13. Section 331.238, subsection 3, Code 2011, is  
4 14 amended to read as follows:  
4 15 3. An alternative form of county government shall provide  
4 16 for the partisan election of its governing board and for the  
4 17 election of its other elective officers on a nonpartisan basis.  
4 18 Sec. 14. Section 331.261, subsection 1, paragraph k, Code  
4 19 2011, is amended to read as follows:  
4 20 k. The partisan election of the legislative body of  
4 21 the community commonwealth government and the election on  
4 22 a nonpartisan basis of the other elective officials of the  
4 23 community commonwealth government.

4 24 EXPLANATION

4 25 This bill provides that the county auditor, sheriff, county  
4 26 treasurer, recorder, and county attorney shall be elected on a  
4 27 nonpartisan basis.

LSB 2112YC (5) 84

aw/sc





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**House Study Bill 108**

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
AGRICULTURE BILL BY  
CHAIRPERSON SWEENEY)

**A BILL FOR**

1 An Act placing the agricultural development authority within  
2 the department of agriculture and land stewardship.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2482YC (2) 84  
da/nh



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House Study Bill 108 continued

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1 1 Section 1. Section 175.3, subsection 1, paragraphs a and c,  
1 2 Code 2011, are amended to read as follows:

1 3 a. The agricultural development authority is established  
1 4 within the department of agriculture and land stewardship. The  
1 5 agency is constituted as a public instrumentality and agency  
1 6 of the state exercising public and essential governmental  
1 7 functions.

1 8 c. The powers of the authority are vested in and exercised  
1 9 by a board of ten members with nine members appointed by  
1 10 the governor subject to confirmation by the senate. The  
1 11 ~~treasurer of state~~ secretary of agriculture or the treasurer's  
1 12 ~~secretary's~~ designee shall serve as an ex officio nonvoting  
1 13 member. No more than five appointed members shall belong to  
1 14 the same political party. As far as possible the governor  
1 15 shall include within the membership persons who represent  
1 16 financial institutions experienced in agricultural lending, the  
1 17 real estate sales industry, farmers, beginning farmers, average  
1 18 taxpayers, local government, soil and water conservation  
1 19 district officials, agricultural educators, and other persons  
1 20 specially interested in family farm development.

1 21 EXPLANATION

1 22 This bill amends provisions affecting the agricultural  
1 23 development authority (Code chapter 175), which is organized as  
1 24 an independent self=funding agency charged to provide economic  
1 25 assistance to farmers. The authority is controlled by a  
1 26 board of 10 members, including nine members appointed by the  
1 27 governor and the treasurer of state who serves as an ex officio  
1 28 nonvoting member.

1 29 The bill provides that the authority is to be housed within  
1 30 the department of agriculture and land stewardship, and the  
1 31 secretary replaces the treasurer of state as the ex officio  
1 32 nonvoting member.

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## House Study Bill 109

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
AGRICULTURE BILL BY  
CHAIRPERSON SWEENEY)

### A BILL FOR

1 An Act relating to ethanol by providing for tax credits and  
2 reporting for ethanol blended gasoline, and including  
3 effective date and applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1833YC (6) 84  
da/rj



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House Study Bill 109 continued

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1 1 Section 1. Section 2.48, subsection 3, paragraph d,  
1 2 subparagraph (5), Code 2011, is amended to read as follows:  
1 3 (5) The ~~ethanol~~ E=15 promotion tax credits available under  
1 4 section 422.11N.  
1 5 Sec. 2. Section 422.11N, subsection 1, paragraph f, Code  
1 6 2011, is amended to read as follows:  
1 7 f. "Tax credit" means the ~~ethanol~~ E=15 promotion tax credit  
1 8 as provided in this section.  
1 9 Sec. 3. Section 422.11N, subsection 3, Code 2011, is amended  
1 10 to read as follows:  
1 11 3. The taxes imposed under this division, less the tax  
1 12 credits allowed under section 422.12, shall be reduced by an  
1 13 ~~ethanol~~ E=15 gasoline promotion tax credit for each tax year  
1 14 that the taxpayer is eligible to claim the tax credit under  
1 15 this section. In order to be eligible, all of the following  
1 16 must apply:  
1 17 a. The taxpayer is a retail dealer who sells and dispenses  
1 18 ethanol blended gasoline designated as E=15 or higher pursuant  
1 19 to section 214A.2 through a motor fuel pump in the tax year in  
1 20 which the tax credit is claimed.  
1 21 b. The retail dealer complies with requirements of the  
1 22 department to administer this section.  
1 23 Sec. 4. Section 422.11N, subsection 4, paragraph d, Code  
1 24 2011, is amended by striking the paragraph.  
1 25 Sec. 5. Section 422.11N, subsection 5, paragraph a,  
1 26 unnumbered paragraph 1, Code 2011, is amended to read as  
1 27 follows:  
1 28 For a retail dealer whose tax year is the same as a  
1 29 determination period beginning on January 1 and ending on  
1 30 December 31, the retail dealer's tax credit is calculated by  
1 31 multiplying the retail dealer's total ethanol gallonage from  
1 32 ethanol blended gasoline designated as E=15 or higher, pursuant  
1 33 to section 214A.2, by a tax credit rate, which may be adjusted  
1 34 based on the retail dealer's biofuel threshold percentage  
1 35 disparity. The tax credit rate is as follows:



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2 1 Sec. 6. Section 422.11N, subsection 5, paragraph a,  
2 2 subparagraph (1), Code 2011, is amended to read as follows:  
2 3 (1) For any tax year in which the retail dealer has attained  
2 4 a biofuel threshold percentage for the determination period,  
2 5 the tax credit rate is ~~six~~ sixteen and one-half cents.  
2 6 Sec. 7. Section 422.11N, subsection 5, paragraph a,  
2 7 subparagraph (2), subparagraph divisions (a) and (b), Code  
2 8 2011, are amended to read as follows:  
2 9 (a) If the retail dealer's biofuel threshold percentage  
2 10 disparity equals two percent or less, the tax credit rate is  
2 11 ~~four~~ fourteen and one-half cents.  
2 12 (b) If the retail dealer's biofuel threshold percentage  
2 13 disparity equals more than two percent but not more than four  
2 14 percent, the tax credit rate is ~~two~~ twelve and one-half cents.  
2 15 Sec. 8. Section 422.11N, subsection 6, Code 2011, is amended  
2 16 to read as follows:  
2 17 6. A retail dealer is eligible to claim an ~~ethanol~~ E=15  
2 18 gasoline promotion tax credit as provided in this section even  
2 19 though the retail dealer claims an E=85 gasoline promotion tax  
2 20 credit pursuant to section 422.110 for the same tax year and  
2 21 for the same ethanol gallonage.  
2 22 Sec. 9. Section 422.110, subsection 5, Code 2011, is amended  
2 23 to read as follows:  
2 24 5. A retail dealer is eligible to claim an E=85 gasoline  
2 25 promotion tax credit as provided in this section even though  
2 26 the retail dealer claims an ~~ethanol~~ E=15 gasoline promotion tax  
2 27 credit pursuant to section 422.11N for the same tax year for  
2 28 the same ethanol gallonage.  
2 29 Sec. 10. Section 422.33, subsection 11A, unnumbered  
2 30 paragraph 1, Code 2011, is amended to read as follows:  
2 31 The taxes imposed under this division shall be reduced by  
2 32 an ~~ethanol~~ E=15 promotion tax credit for each tax year that  
2 33 the taxpayer is eligible to claim the tax credit under this  
2 34 subsection.  
2 35 Sec. 11. Section 422.33, subsection 11A, paragraphs a and b,



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3 1 Code 2011, are amended to read as follows:

3 2 a. The taxpayer shall claim the tax credit in the same  
3 3 manner as provided in section 422.11N. The taxpayer may claim  
3 4 the tax credit according to the same requirements, for the same  
3 5 amount, and calculated in the same manner, as provided for the  
3 6 ~~ethanol~~ E=15 promotion tax credit pursuant to section 422.11N.

3 7 b. Any ~~ethanol~~ E=15 promotion tax credit which is in excess  
3 8 of the taxpayer's tax liability shall be refunded or may be  
3 9 shown on the taxpayer's final, completed return credited to the  
3 10 tax liability for the following tax year in the same manner as  
3 11 provided in section 422.11N.

3 12 Sec. 12. Section 452A.31, subsection 2, paragraph a,  
3 13 subparagraph (1), Code 2011, is amended to read as follows:

3 14 (1) The total ethanol blended gasoline gallonage which  
3 15 is the retail dealer's total number of gallons of ethanol  
3 16 blended gasoline and which includes any subclassification  
3 17 required by the department. However, the total ethanol blended  
3 18 gasoline gallonage must at least include all of the following  
3 19 subclassifications:

3 20 (a) The total ~~E=85~~ E=10 gasoline gallonage which is the  
3 21 total number of gallons of ethanol blended gasoline ~~other than~~  
3 22 ~~E=85 gasoline~~ designated as E=9 or E=10.

3 23 (b) The total E=15 gasoline gallonage which is the total  
3 24 number of gallons of ethanol blended gasoline designated as  
3 25 E=11 to E=15.

3 26 (c) The total ~~E=85~~ flexible fuel gasoline gallonage which  
3 27 is the total number of gallons of ethanol blended gasoline  
3 28 designated as E=16 to E=85 gasoline.

3 29 Sec. 13. Section 452A.31, subsection 4, paragraph a,  
3 30 subparagraph (1), Code 2011, is amended by striking the  
3 31 subparagraph and inserting in lieu thereof the following:

3 32 (1) The aggregate ethanol blended gasoline gallonage which  
3 33 is the aggregate total number of gallons of ethanol blended  
3 34 gasoline and which includes the aggregate ethanol blended  
3 35 gasoline gallonage for each subclassification provided for in



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4 1 subsection 2.

4 2 Sec. 14. NEW SECTION. 452A.34 Classification of ethanol  
4 3 blended fuel.

4 4 For purposes of this division, ethanol blended fuel shall be  
4 5 classified in the same manner as provided in section 214A.2.

4 6 Sec. 15. 2006 Iowa Acts, chapter 1142, section 49,  
4 7 subsection 2, as amended by 2006 Iowa Acts, chapter 1175,  
4 8 section 17, is amended to read as follows:

4 9 2. For a retail dealer who may claim an ~~ethanol~~ E=15  
4 10 promotion tax credit under section 422.11N or 422.33,

4 11 subsection 11A, as enacted in this Act and amended in  
4 12 subsequent Acts, in calendar year 2020 and whose tax year ends

4 13 prior to December 31, 2020, the retail dealer may continue to  
4 14 claim the tax credit in the retail dealer's following tax year.

4 15 In that case, the tax credit shall be calculated in the same  
4 16 manner as provided in section 422.11N or 422.33, subsection  
4 17 11A, as enacted in this Act and amended in subsequent Acts,

4 18 for the remaining period beginning on the first day of the  
4 19 retail dealer's new tax year until December 31, 2020. For  
4 20 that remaining period, the tax credit shall be calculated in  
4 21 the same manner as a retail dealer whose tax year began on the  
4 22 previous January 1 and who is calculating the tax credit on  
4 23 December 31, 2020.

4 24 Sec. 16. EFFECTIVE DATE. This Act takes effect January 1,  
4 25 2012.

4 26 Sec. 17. APPLICABILITY. The sections of this Act amending  
4 27 section 422.11N and section 422.33, subsection 11A, and the  
4 28 section of this Act amending 2006 Iowa Acts, chapter 1142,  
4 29 section 49, subsection 2, as amended by 2006 Iowa Acts, chapter  
4 30 1175, section 17, apply to tax years beginning on or after  
4 31 January 1, 2012.

4 32 EXPLANATION

4 33 GENERALLY. The bill relates to ethanol blended gasoline  
4 34 regulated by the department of agriculture and land stewardship  
4 35 pursuant to Code chapter 214A and classified according to the



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5 1 percentage of ethanol blended into the gasoline (e.g., E=10  
5 2 means a gallon of gasoline containing 10 percent ethanol).  
5 3 ETHANOL PROMOTION TAX CREDIT. The bill amends the ethanol  
5 4 promotion tax credit which is calculated separately for each  
5 5 retail motor fuel site from which the retail dealer sells and  
5 6 dispenses ethanol blended gasoline (Code sections 422.11N and  
5 7 422.33, subsection 11A). The tax credit rate depends upon the  
5 8 number of gallons of ethanol blended gasoline and biodiesel  
5 9 blended fuel that a retail dealer sold throughout a calendar  
5 10 year (referred to as a determination period). The amount of  
5 11 the tax credit depends upon whether the retail dealer met that  
5 12 biofuel threshold. This bill renames the tax credit as the  
5 13 E=15 promotion tax credit, and provides that the tax credit  
5 14 applies only to those gallons of ethanol blended gasoline  
5 15 designated as E=15 or higher. It also allows a retail dealer  
5 16 filing a tax return on a noncalendar year basis to claim the  
5 17 tax credit. The tax credit is eliminated on January 1, 2021.  
5 18 REPORTING. The bill also amends reporting requirements  
5 19 by retail dealers and the department of revenue. A retail  
5 20 dealer's report calculates the total motor fuel gallonage,  
5 21 and further divides that number based on a number of  
5 22 classifications depending upon the type of motor fuel sold,  
5 23 including ethanol blended gasoline gallonage. The department  
5 24 then calculates the aggregate total for the motor fuel  
5 25 gallonage including by classification for the determination  
5 26 period. The bill revises the reporting classifications for  
5 27 ethanol blended gasoline, by including subclassifications for  
5 28 E=9 and E=10, E=11 to E=15, and E=16 to E=85. It provides that  
5 29 the department may establish additional subclassifications.  
5 30 The bill is effective on January 1, 2012, and tax credit  
5 31 provisions are applicable to the tax years beginning on or  
5 32 after that date.

LSB 1833YC (6) 84

da/rj





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## House Study Bill 110

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
AGRICULTURE BILL BY  
CHAIRPERSON SWEENEY)

**A BILL FOR**

1 An Act relating to the regulation of egg production.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2217YC (2) 84  
da/rj



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1 1 Section 1. Section 10A.104, subsection 12, Code 2011, is  
1 2 amended by striking the subsection.  
1 3 Sec. 2. Section 196.1, subsection 3, Code 2011, is amended  
1 4 to read as follows:  
1 5 3. "Department" means the department of ~~inspections and~~  
1 6 ~~appeals, as established in section 10A.102 agriculture and land~~  
1 7 ~~stewardship.~~  
1 8 Sec. 3. ADMINISTRATIVE RULES ==== TRANSITION PROVISIONS.  
1 9 1. a. Any rule, regulation, form, order, or directive  
1 10 promulgated by the department of inspections and appeals as  
1 11 required to administer and enforce the provisions of chapter  
1 12 196 shall continue in full force and effect until amended,  
1 13 repealed, or supplemented by affirmative action of the  
1 14 department of agriculture and land stewardship.  
1 15 b. Any license issued by the department of inspections and  
1 16 appeals under chapter 196, and in effect on the effective date  
1 17 of this Act, shall continue in full force and effect until  
1 18 expiration or renewal.  
1 19 2. An administrative hearing or court proceeding arising  
1 20 out of an enforcement action under chapter 196 pending on the  
1 21 effective date of this Act shall not be affected due to this  
1 22 Act. Any cause of action or statute of limitation relating to  
1 23 an action taken by the department of inspections and appeals  
1 24 shall not be affected as a result of this Act and such cause  
1 25 or statute of limitation shall apply to the department of  
1 26 agriculture and land stewardship.  
1 27 3. Any personnel in the state merit system of employment  
1 28 who are mandatorily transferred due to the effect of this Act  
1 29 shall be so transferred without any loss in salary, benefits,  
1 30 or accrued years of service.  
1 31 4. Any replacement of signs, logos, stationery, insignia,  
1 32 uniforms, and related items that is made due to the effect of  
1 33 this Act shall be done as part of the normal replacement cycle  
1 34 for such items.

1 35

EXPLANATION



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2 1 This bill amends Code chapter 196, which regulates egg  
2 2 production and marketing, including the regulation of so-called  
2 3 "egg handlers" who engage in the purchase or sale of eggs or  
2 4 the use of eggs in the preparation of human food. The Code  
2 5 chapter is regulated by the department of inspections and  
2 6 appeals. The bill requires the department of agriculture and  
2 7 land stewardship to administer the Code chapter.  
2 8 The bill provides transitional provisions to assist the  
2 9 departments in accomplishing the transfer. The provisions  
2 10 relate to the validity of existing rules, regulations, forms,  
2 11 orders, and directives promulgated by the department of  
2 12 inspections and appeals; licenses issued by the department;  
2 13 pending enforcement or civil actions; the transfer of  
2 14 personnel; and replacement of items with insignia.

LSB 2217YC (2) 84

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## House Study Bill 111

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
AGRICULTURE BILL BY  
CHAIRPERSON SWEENEY)

### A BILL FOR

1 An Act providing for the transfer of duties relating  
2 to the certification of milk from the department of  
3 public health to the department of agriculture and land  
4 stewardship, providing for the transition, and providing an  
5 appropriation.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2484YC (3) 84  
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1 1 Section 1. Section 192.109, Code 2011, is amended to read  
1 2 as follows:  
1 3 192.109 Certification of grade "A" label.  
1 4 The ~~Iowa~~ department of ~~public health~~ agriculture and  
1 5 land stewardship shall annually survey and certify all  
1 6 milk labeled grade "A" pasteurized and grade "A" raw milk  
1 7 for pasteurization, and, in the event a survey shows the  
1 8 requirements for production, processing, and distribution for  
1 9 such grade are not being complied with, the fact thereof shall  
1 10 be certified by the ~~Iowa~~ department of ~~public health~~ to the  
1 11 secretary of agriculture who shall proceed with the provisions  
1 12 of section 192.107 for suspending the permit of the violator or  
1 13 who, if the secretary did not issue such permit, shall withdraw  
1 14 the grade "A" declared on the label.  
1 15 Sec. 2. ADMINISTRATIVE RULES ==== TRANSITION PROVISIONS.  
1 16 1. Any rule, regulation, form, order, or directive  
1 17 promulgated by the department of public health as required to  
1 18 administer and enforce the provisions of section 192.109 shall  
1 19 continue in full force and effect until amended, repealed,  
1 20 or supplemented by affirmative action of the department of  
1 21 agriculture and land stewardship.  
1 22 2. An administrative hearing or court proceeding arising  
1 23 out of an enforcement action under section 192.109 pending  
1 24 on the effective date of this Act shall not be affected due  
1 25 to this Act. Any cause of action or statute of limitation  
1 26 relating to an action taken by the department of public health  
1 27 shall not be affected as a result of this Act and such cause  
1 28 or statute of limitation shall apply to the department of  
1 29 agriculture and land stewardship.  
1 30 3. Any personnel in the state merit system of employment  
1 31 who are mandatorily transferred due to the effect of this Act  
1 32 shall be so transferred without any loss in salary, benefits,  
1 33 or accrued years of service.  
1 34 4. Any replacement of signs, logos, stationery, insignia,  
1 35 uniforms, and related items that is made necessary due to



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2 1 the effect of this Act shall be done as part of the normal  
2 2 replacement cycle for such items.  
2 3     Sec. 3. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP ====  
2 4 CERTIFICATION OF MILK. There is appropriated from the general  
2 5 fund of the state to the department of agriculture and land  
2 6 stewardship for the fiscal year beginning July 1, 2011, and  
2 7 ending June 30, 2012, the following amount, or so much thereof  
2 8 as is necessary, to be used for the purposes designated:  
2 9     For purposes of performing functions pursuant to section  
2 10 192.109, including conducting a survey of grade "A" milk  
2 11 and certifying the results to the secretary of agriculture,  
2 12 including salaries, support, maintenance, miscellaneous  
2 13 purposes, and for not more than the following full-time  
2 14 equivalent positions:  
2 15 ..... \$     189,196  
2 16 ..... FTEs     2.00  
2 17                                   EXPLANATION  
2 18     This bill relates to the regulation of milk or milk  
2 19 products, including labeling requirements (Code chapter 191)  
2 20 or production, processing, or distribution requirements (Code  
2 21 chapter 192), as administered and enforced by the department of  
2 22 agriculture and land stewardship. A person who stores, brings,  
2 23 sends, or receives milk or milk products into this state for  
2 24 commercial purposes must be issued a permit by the department  
2 25 (Code section 192.107).  
2 26     The department of public health annually surveys and  
2 27 certifies to the department of agriculture and land stewardship  
2 28 whether milk or milk products comply with the requirements.  
2 29 The secretary of agriculture then must suspend the permit  
2 30 of a violator or withdraw the grade "A" label (Code section  
2 31 192.109). The bill transfers the certification authority  
2 32 from the department of public health to the department of  
2 33 agriculture and land stewardship.  
2 34     The bill provides transitional provisions to assist the  
2 35 departments in accomplishing the transfer. The provisions



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3 1 relate to the validity of existing rules, regulations, forms,  
3 2 orders, and directives promulgated by the department of public  
3 3 health; pending enforcement actions; the transfer of personnel;  
3 4 and the replacement of items with insignia.  
3 5 The bill appropriates moneys from the general fund of the  
3 6 state and allocates full-time equivalent positions to the  
3 7 department of agriculture and land stewardship for purposes  
3 8 of conducting the survey and certifying the results to the  
3 9 secretary of agriculture.

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## House Study Bill 112

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
AGRICULTURE BILL BY  
CHAIRPERSON SWEENEY)

### A BILL FOR

1 An Act relating to the promotion of biodiesel fuel, by  
2 providing for tax credits to retail dealers and payments to  
3 biodiesel producers, making an appropriation, providing a  
4 penalty and including effective date provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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1 1 DIVISION I  
1 2 BIODIESEL BLENDED FUEL TAX CREDIT  
1 3 Section 1. Section 422.11P, Code 2011, is amended by adding  
1 4 the following new subsection:  
1 5 NEW SUBSECTION. 1A. For purposes of this section, biodiesel  
1 6 fuel shall be classified in the same manner as provided in  
1 7 section 214A.2.  
1 8 Sec. 2. Section 422.11P, subsection 2, paragraph a,  
1 9 subparagraph (2), Code 2011, is amended by striking the  
1 10 subparagraph.  
1 11 Sec. 3. Section 422.11P, subsection 2, paragraph b, Code  
1 12 2011, is amended to read as follows:  
1 13 b. The tax credit shall apply to biodiesel blended fuel  
1 14 ~~formulated with a minimum percentage of two percent by volume~~  
1 15 ~~of biodiesel classified as B=5 or higher, if the formulation~~  
1 16 ~~biodiesel blended fuel meets the standards provided in~~  
1 17 ~~requirements for that classification as provided in section~~  
1 18 ~~214A.2.~~  
1 19 Sec. 4. Section 422.11P, subsection 3, Code 2011, is amended  
1 20 to read as follows:  
1 21 3.a. ~~The tax credit shall be calculated separately for~~  
1 22 ~~each retail motor fuel site operated by the retail dealer.~~  
1 23 ~~b.~~ The amount of the tax credit is ~~three cents~~ a designated  
1 24 amount multiplied by the total number of gallons of biodiesel  
1 25 blended fuel sold and dispensed by the retail dealer through  
1 26 all motor fuel pumps located at a retail motor fuel site  
1 27 operated by the retail dealer during the retail dealer's tax  
1 28 year. The designated amount is as follows:  
1 29 a. For biodiesel blended fuel classified as B=5 or higher  
1 30 but not higher than B=9, two cents.  
1 31 b. For biodiesel blended fuel classified as B=10 or higher  
1 32 but not higher than B=99, four cents.  
1 33 Sec. 5. Section 422.11P, subsection 6, Code 2011, is amended  
1 34 to read as follows:  
1 35 6. This section is repealed January 1, ~~2012~~ 2015.



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2 1 Sec. 6. Section 422.33, subsection 11C, paragraph c, Code  
2 2 2011, is amended by striking the paragraph.

2 3 Sec. 7. Section 422.33, subsection 11C, paragraph d, Code  
2 4 2011, is amended to read as follows:

2 5 d. This subsection is repealed on January 1, ~~2012~~ 2015.

2 6 Sec. 8. FUTURE APPLICABILITY DATE. Section 422.11P and  
2 7 section 422.33, as amended by this Act, shall apply to tax  
2 8 years beginning on or after January 1, 2012.

2 9 Sec. 9. TAX CREDIT AVAILABILITY UNDER PRIOR LAW. A retail  
2 10 dealer who could claim a biodiesel blended fuel tax credit  
2 11 under section 422.11P or 422.33, subsection 11C, as that  
2 12 section or subsection exists on June 30, 2011, may continue  
2 13 to claim the tax credit for biodiesel blended fuel sold and  
2 14 dispensed by the retail dealer until December 31, 2011, as  
2 15 provided in that section or subsection.

2 16 Sec. 10. 2006 Iowa Acts, chapter 1142, section 49,  
2 17 subsection 5, is amended to read as follows:

2 18 5. ~~For~~ This subsection applies to a retail dealer who  
2 19 may claim a biodiesel blended fuel tax credit under section  
2 20 422.11P or 422.33, subsection 11C, as enacted in this Act or  
2 21 as subsequently amended, in calendar year ~~2011~~ 2014 and whose  
2 22 tax year ends prior to December 31, ~~2011~~, the 2014. The retail  
2 23 dealer may continue to claim the tax credit in the retail  
2 24 dealer's following tax year. In that case, the tax credit  
2 25 shall be calculated in the same manner as provided in section  
2 26 422.11P or 422.33, subsection 11C, as ~~enacted in this Act~~  
~~2 27 that section or subsection exists on December 31, 2014, for~~  
2 28 the remaining period beginning on the first day of the retail  
2 29 dealer's new tax year until December 31, ~~2011~~ 2014. For that  
2 30 remaining period, the tax credit shall be calculated in the  
2 31 same manner as a retail dealer whose tax year began on the  
2 32 previous January 1 and who is calculating the tax credit on  
2 33 December 31, ~~2011~~ 2014.

2 34 Sec. 11. EFFECTIVE DATE. This division of this Act takes  
2 35 effect January 1, 2012.



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1 DIVISION II  
2 BIODIESEL PRODUCTION PAYMENT  
3 Sec. 12. Section 422.7, Code 2011, is amended by adding the  
4 following new subsection:  
5 NEW SUBSECTION. 54. Subtract, to the extent included, the  
6 amount of any biodiesel production payment provided pursuant  
7 to section 422.132.  
8 Sec. 13. Section 422.35, Code 2011, is amended by adding the  
9 following new subsection:  
10 NEW SUBSECTION. 25. Subtract, to the extent included, the  
11 amount of any biodiesel production payment provided pursuant  
12 to section 422.132.  
13 Sec. 14. NEW SECTION. 422.131 Definitions.  
14 As used in this division, unless the context otherwise  
15 requires:  
16 1. "Biodiesel" and "biodiesel blended fuel" means the same  
17 as defined in section 214A.1.  
18 2. "Biodiesel producer" means a person engaged in the  
19 manufacturing of biodiesel who has registered with the United  
20 States environmental protection agency as a manufacturer  
21 according to the requirements in 40 C.F.R. { 79.4.  
22 Sec. 15. NEW SECTION. 422.132 Biodiesel production payment.  
23 1. A biodiesel producer may receive a biodiesel production  
24 payment by doing all of the following:  
25 a. Producing biodiesel for use in biodiesel blended fuel.  
26 b. Complying with the requirements of this section and rules  
27 adopted by the department pursuant to this section.  
28 2. The amount of the biodiesel production payment shall be  
29 calculated by multiplying a designated rate by the total number  
30 of gallons of biodiesel produced by the biodiesel producer  
31 in this state during each quarter of a calendar year. The  
32 designated rate shall be as follows:  
33 a. For the calendar year 2012, three cents.  
34 b. For the calendar year 2013, three cents.  
35 c. For the calendar year 2014, two cents.



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4 1 3. To receive a biodiesel production payment, the biodiesel  
4 2 producer must file a claim for each quarterly period of a  
4 3 calendar year as required by rules adopted by the department  
4 4 and on forms prescribed by the department. The claim must be  
4 5 filed on or before the last day of the month following the  
4 6 close of the quarterly period.

4 7 4. There is appropriated from moneys in the general fund of  
4 8 the state, which are not otherwise obligated or encumbered, an  
4 9 amount sufficient to provide biodiesel production payments to  
4 10 biodiesel producers as provided in this section.

4 11 Sec. 16. NEW SECTION. 422.133 Penalty.

4 12 A person fraudulently claiming a payment in excess of the  
4 13 entitled amount of a biodiesel production payment is guilty of  
4 14 a serious misdemeanor.

4 15 Sec. 17. NEW SECTION. 422.134 Repeal.

4 16 This division is repealed on January 1, 2015.

4 17 Sec. 18. DIRECTIONS TO CODE EDITOR. The Code editor shall  
4 18 codify sections 422.131 and 422.132 as a new division in  
4 19 chapter 422.

4 20 Sec. 19. EFFECTIVE DATE. This division of this Act is  
4 21 effective on January 1, 2012.

4 22 EXPLANATION

4 23 GENERAL. This bill provides for the promotion of biodiesel  
4 24 used in the manufacture of motor fuel which is a blend of  
4 25 diesel fuel and biodiesel (biodiesel blended fuel). Biodiesel  
4 26 fuel is designated B=xx where "xx" is the volume percent of  
4 27 biodiesel (Code section 214A.2). For example, all biodiesel  
4 28 blended fuel must be classified as B=1 or higher, meaning at  
4 29 least 1 percent of biodiesel blended fuel by volume must be  
4 30 biodiesel. The provisions of the bill are administered by the  
4 31 department of revenue.

4 32 The bill includes two divisions. First, the bill amends  
4 33 current provisions which establish a biodiesel blended fuel  
4 34 tax credit for retail dealers, and second, the bill provides  
4 35 payments to biodiesel producers.



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5 1 DIVISION I ==== BIODIESEL BLENDED FUEL TAX CREDIT. Under  
5 2 current law a retail dealer who sells and dispenses diesel fuel  
5 3 from a motor fuel pump is eligible for a biodiesel blended fuel  
5 4 tax credit. The tax credit is multiplied by taking a constant  
5 5 rate of 3 cents multiplied by the number of gallons of B=2 or  
5 6 higher sold and dispensed. The tax credit is due to expire on  
5 7 January 1, 2012.  
5 8 The bill eliminates an eligibility requirement specifying  
5 9 that the retail dealer of diesel fuel must sell and dispense  
5 10 50 percent or more biodiesel blended fuel during the tax year.  
5 11 It increases the minimum biodiesel classification from B=2 to  
5 12 B=5. The amount of the tax credit is changed depending upon  
5 13 the classification. The designated rate for B=5 to B=9 is 2  
5 14 cents and the designated rate for B=10 to B=99 is 4 cents. The  
5 15 tax credit's expiration date is extended to January 1, 2015.  
5 16 DIVISION II ==== BIODIESEL PRODUCTION PAYMENT. The bill  
5 17 creates a program to pay biodiesel producers for production.  
5 18 The amount of the payment is calculated by multiplying a  
5 19 designated rate by the total number of gallons of biodiesel  
5 20 produced during each quarter of a calendar year, beginning  
5 21 in calendar year 2012 and ending in calendar year 2014. The  
5 22 bill appropriates moneys from the general fund of the state to  
5 23 finance the payments. The program terminates on January 1,  
5 24 2015. A person fraudulently claiming a payment in excess of  
5 25 the entitled amount of a biodiesel production payment is guilty  
5 26 of a serious misdemeanor. A serious misdemeanor is punishable  
5 27 by confinement for no more than one year and a fine of at least  
5 28 \$315 but not more than \$1,875.

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## House Study Bill 113

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
AGRICULTURE BILL BY  
CHAIRPERSON SWEENEY)

### A BILL FOR

1 An Act relating to motor fuel, including ethanol blended  
2 gasoline and biodiesel or biodiesel blended motor fuel, by  
3 providing for regulation and taxes.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1832YC (3) 84  
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1 1 DIVISION I  
1 2 REGULATION OF MOTOR FUEL  
1 3 Section 1. Section 214A.1, Code 2011, is amended by adding  
1 4 the following new subsections:  
1 5 NEW SUBSECTION. 11A. "Flexible fuel vehicle" means a motor  
1 6 vehicle which is powered by an engine capable of operating  
1 7 using E=85 gasoline.  
1 8 NEW SUBSECTION. 16A. "Nonblended gasoline" means gasoline  
1 9 other than ethanol blended gasoline.  
1 10 Sec. 2. Section 214A.2, subsection 4, paragraph b, Code  
1 11 2011, is amended by adding the following new subparagraph:  
1 12 NEW SUBPARAGRAPH. (4) Biodiesel blended fuel classified as  
1 13 from B=6 through B=20 must conform to A.S.T.M. international  
1 14 specification D7467 or a successor A.S.T.M. international  
1 15 specification as established by rules adopted by the  
1 16 department.  
1 17 Sec. 3. Section 214A.16, subsection 1, Code 2011, is amended  
1 18 by striking the subsection and inserting in lieu thereof the  
1 19 following:  
1 20 1. A motor fuel pump shall be affixed with a decal  
1 21 identifying the motor fuel that it dispenses, as required in  
1 22 this subsection.  
1 23 a. If the motor fuel is gasoline, the following shall apply:  
1 24 (1) For gasoline not blended with ethanol, the decal shall  
1 25 identify it as nonblended gasoline.  
1 26 (2) For gasoline classified as higher than standard ethanol  
1 27 blended gasoline pursuant to section 214A.2, the decal shall  
1 28 identify it as being for use in flexible fuel vehicles only.  
1 29 b. If the motor fuel is biodiesel fuel, the decal shall  
1 30 identify the biodiesel fuel as provided in 16 C.F.R. pt. 306.  
1 31 Sec. 4. Section 422.11N, subsection 1, paragraph a, Code  
1 32 2011, is amended to read as follows:  
1 33 a. "E=85 gasoline", "ethanol", "ethanol blended gasoline",  
1 34 "gasoline", "flexible fuel vehicle", and "retail dealer" mean the  
1 35 same as defined in section 214A.1.



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2 1 Sec. 5. Section 422.11N, subsection 1, paragraph b, Code  
2 2 2011, is amended by striking the paragraph.

2 3 Sec. 6. Section 452A.2, subsection 18, Code 2011, is amended  
2 4 to read as follows:

2 5 18. "Flexible fuel vehicle" means ~~a motor vehicle as defined~~  
~~2 6 in section 321M.1 which is powered by an engine capable of~~  
~~2 7 operating using E-85 gasoline the same as defined in section~~  
~~2 8 214A.1.~~

2 9

DIVISION II

2 10

TAXES IMPOSED UPON BIODIESEL FUEL

2 11 Sec. 7. Section 452A.2, Code 2011, is amended by adding the  
2 12 following new subsection:

2 13 NEW SUBSECTION. 9A. "Diesel fuel" means the same as defined  
2 14 in section 214A.1.

2 15 Sec. 8. Section 452A.2, subsection 29, Code 2011, is amended  
2 16 to read as follows:

2 17 29. "Nonterminal storage facility" means a facility where  
2 18 motor fuel or special fuel, other than liquefied petroleum  
2 19 gas, is stored that is not supplied by a pipeline or a marine  
2 20 vessel. "Nonterminal storage facility" includes a facility that  
2 21 manufactures products such as ~~ethanol as defined in section~~  
~~2 22 214A.1,~~ biofuel, blend stocks, or additives which may be used  
2 23 as motor fuel or special fuel, other than liquefied petroleum  
2 24 gas, for operating motor vehicles or aircraft.

2 25 Sec. 9. Section 452A.3, subsection 3, Code 2011, is amended  
2 26 to read as follows:

2 27 3. a. For the privilege of operating motor vehicles or  
2 28 aircraft in this state, there is imposed an excise tax on the  
2 29 use of special fuel in a motor vehicle or aircraft.

2 30 (1) The tax rate on special fuel for diesel engines of motor  
2 31 vehicles is twenty=two and one=half cents per gallon. The tax  
2 32 rate on biodiesel for diesel engines of motor vehicles shall  
2 33 be determined on a volume basis with the gross metered gallons  
2 34 adjusted to sixty degrees Fahrenheit.

2 35 (2) The rate of tax on special fuel for aircraft is three





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3 1 cents per gallon.  
3 2 (3) On all other special fuel, unless otherwise specified in  
3 3 this section, the per gallon rate is the same as the motor fuel  
3 4 tax.  
3 5 b. Indelible dye meeting United States environmental  
3 6 protection agency and internal revenue service regulations  
3 7 must be added to special fuel before or upon withdrawal at a  
3 8 terminal or refinery rack for that special fuel to be exempt  
3 9 from tax and the dyed special fuel may be used only for an  
3 10 exempt purpose.  
3 11 Sec. 10. Section 452A.17, subsection 1, paragraph a, Code  
3 12 2011, is amended by adding the following new subparagraph:  
3 13 NEW SUBPARAGRAPH. (11) Diesel fuel used by a nonterminal  
3 14 storage facility to blend with biodiesel to produce biodiesel  
3 15 blended fuel, if the biodiesel blended fuel is distributed  
3 16 to a blender licensed pursuant to section 452A.6 who is also  
3 17 required to pay the excise tax on the same diesel fuel.  
3 18 Sec. 11. Section 452A.86, Code 2011, is amended to read as  
3 19 follows:  
3 20 452A.86 Method of determining gallonage.  
3 21 1. The exclusive method of determining gallonage of  
3 22 any purchases or sales of motor fuel, undyed special fuel,  
3 23 compressed natural gas, or liquefied petroleum gas as defined  
3 24 in this chapter and distillate fuels shall be on a gross volume  
3 25 basis. A temperature-adjusted or other method shall not be  
3 26 used, except as it applies to biodiesel, liquefied petroleum  
3 27 gas, ~~and~~ or the sale or exchange of petroleum products between  
3 28 petroleum refiners. All invoices, bills of lading, or other  
3 29 records of sale or purchase and all returns or records required  
3 30 to be made, kept, and maintained by a supplier, restrictive  
3 31 supplier, importer, exporter, blender, or compressed natural  
3 32 gas or liquefied petroleum gas dealer or user shall be made,  
3 33 kept, and maintained on the gross volume basis.  
3 34 2. For purposes of this section, "distillate fuels" means  
3 35 any fuel oil, gas oil, topped crude oil, or other petroleum



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4 1 oils derived by refining or processing crude oil or unfinished  
4 2 oils which have a boiling range at atmospheric pressure which  
4 3 falls completely or in part between five hundred fifty and  
4 4 twelve hundred degrees Fahrenheit.

4 5 DIVISION III

4 6 INCOME TAX CREDITS FOR RETAIL DEALERS OF RENEWABLE FUEL

4 7 Sec. 12. Section 422.11N, subsection 3, Code 2011, is  
4 8 amended by adding the following new paragraph:

4 9 NEW PARAGRAPH. c. The department has received the retail  
4 10 dealer's motor fuel gallonage report for the immediately prior  
4 11 determination period beginning January 1 and ending December  
4 12 31, as required in section 452A.33. The report must have been  
4 13 received by the department on or before the report's due date.  
4 14 If the retail dealer submits the report on a quarterly or  
4 15 monthly basis as provided in that section, the department must  
4 16 have received all such reports by the same due date.

4 17 Sec. 13. Section 422.11O, subsection 2, Code 2011, is  
4 18 amended by adding the following new paragraph:

4 19 NEW PARAGRAPH. c. The department has received the retail  
4 20 dealer's motor fuel gallonage report for the immediately prior  
4 21 determination period beginning January 1 and ending December  
4 22 31, as required in section 452A.33. The report must have been  
4 23 received by the department on or before the report's due date.  
4 24 If the retail dealer submits the report on a quarterly or  
4 25 monthly basis as provided in that section, the department must  
4 26 have received all such reports by the same due date.

4 27 Sec. 14. Section 422.11P, subsection 2, paragraph a, Code  
4 28 2011, is amended by adding the following new subparagraph:

4 29 NEW SUBPARAGRAPH. (4) The department has received the  
4 30 retail dealer's motor fuel gallonage report for the immediately  
4 31 prior determination period beginning January 1 and ending  
4 32 December 31, as required in section 452A.33. The report  
4 33 must have been received by the department on or before the  
4 34 report's due date. If the retail dealer submits the report on  
4 35 a quarterly or monthly basis as provided in that section, the



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5 1 department must have received all such reports by the same due  
5 2 date.

5 3 Sec. 15. Section 452A.33, subsection 1, paragraph a,  
5 4 unnumbered paragraph 1, Code 2011, is amended to read as  
5 5 follows:

5 6 Each retail dealer shall submit a motor fuel gallonage  
5 7 report, detailing its total motor fuel gallonage for a  
5 8 determination period as follows:

5 9 EXPLANATION

5 10 GENERAL. This bill amends provisions in a number of Code  
5 11 chapters relating to motor fuel sold in this state, including  
5 12 motor fuel that contains a percentage of a biofuel (biodiesel  
5 13 or ethanol).

5 14 REGULATION OF MOTOR FUEL. The bill amends several  
5 15 provisions in Code chapter 214A, which regulates the sale  
5 16 of motor fuel by the department of agriculture and land  
5 17 stewardship (DALS). The bill establishes a standard for  
5 18 biodiesel blended fuel based on A.S.T.M. international  
5 19 specifications. It also rewrites a provision that requires  
5 20 that a motor fuel pump be affixed with a decal (label)  
5 21 informing the traveling public whether it is dispensing a motor  
5 22 fuel containing ethanol or biodiesel. It retains the label  
5 23 requirement for a motor fuel pump dispensing E=85 gasoline  
5 24 for flexible fuel vehicles or biodiesel blended fuel for  
5 25 diesel-powered motor vehicles, removes a provision requiring a  
5 26 label for a motor fuel pump dispensing other types of ethanol  
5 27 blended fuel (standard ethanol blended gasoline), and requires  
5 28 a label for a motor fuel pump dispensing gasoline without an  
5 29 ethanol component (nonblended gasoline).

5 30 EXCISE TAXES IMPOSED UPON BIODIESEL FUEL. The bill amends  
5 31 provisions in Code chapter 452A, which relate to an excise  
5 32 tax imposed upon biodiesel fuel. Generally, an excise tax is  
5 33 imposed on each gallon of motor fuel, including biodiesel fuel  
5 34 (Code section 452A.3) based on a gross volume basis without  
5 35 adjustment (Code section 452A.86). The bill does not directly



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6 1 change the excise tax imposed on biodiesel fuel, but changes  
6 2 how the gallonage is calculated at the meter, by requiring that  
6 3 the excise tax be assessed after adjusting the biodiesel's  
6 4 temperature to 60 degrees Fahrenheit.

6 5 The bill also provides for a refund of excise taxes paid  
6 6 on diesel fuel by nonterminal storage facilities. A person  
6 7 who manufactures a biofuel, including ethanol or biodiesel for  
6 8 distribution, is classified as a nonterminal storage facility  
6 9 (Code section 452A.2). A nonterminal storage facility is  
6 10 required to pay an excise tax on diesel fuel used in producing  
6 11 biodiesel blended fuel. The bill provides that the nonterminal  
6 12 storage facility is entitled to a refund of the excise tax paid  
6 13 on diesel fuel if the biodiesel blended fuel is distributed  
6 14 to a licensed blender (Code section 452A.6) who must pay the  
6 15 excise tax on that same diesel fuel.

6 16 INCOME TAX CREDITS FOR RETAIL DEALERS OF MOTOR FUEL WHICH  
6 17 CONTAINS ETHANOL OR BIODIESEL. Code chapter 422 establishes a  
6 18 tax credit for the promotion of ethanol blended gasoline (Code  
6 19 sections 422.11N and 422.33(11A)), E=85 gasoline (Code sections  
6 20 422.11O and 422.33(11B)), and biodiesel blended motor fuel  
6 21 (Code sections 422.11P and 422.33(11C)). The bill provides  
6 22 that in order for a retail dealer to claim a tax credit, it must  
6 23 comply with an existing statute that requires a retail dealer  
6 24 to submit a motor fuel gallonage report (Code section 452A.33)  
6 25 for its latest determination period (calendar year). The  
6 26 report includes the retail dealer's total gasoline gallonage,  
6 27 ethanol gallonage, ethanol blended gasoline gallonage, E=85  
6 28 gasoline gallonage, diesel gallonage, and biodiesel gallonage  
6 29 for each motor fuel site or other permanent or temporary  
6 30 location owned or operated by the retail dealer.

LSB 1832YC (3) 84

da/nh



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**House Study Bill 114**

SENATE/HOUSE FILE  
BY (PROPOSED GOVERNOR'S  
BUDGET BILL)

**A BILL FOR**

1 An Act relating to and making transportation and other  
2 infrastructure-related appropriations to the department of  
3 transportation, including allocation and use of moneys from  
4 the road use tax fund and the primary road fund.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1016XG (6) 84

dea/tm



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1 1 Section 1. ROAD USE TAX FUND. There is appropriated  
1 2 from the road use tax fund created in section 312.1 to the  
1 3 department of transportation for the following fiscal years,  
1 4 the following amounts, or so much thereof as is necessary, to  
1 5 be used for the purposes designated:  
1 6 1. For the payment of costs associated with the production  
1 7 of driver's licenses, as defined in section 321.1, subsection  
1 8 20A:  
1 9 FY 2011=2012..... \$ 3,876,000  
1 10 FY 2012=2013..... \$ 3,876,000  
1 11 Notwithstanding section 8.33, moneys appropriated in this  
1 12 subsection that remain unencumbered or unobligated at the close  
1 13 of the fiscal year shall not revert but shall remain available  
1 14 for expenditure for the purposes specified in this subsection  
1 15 until the close of the succeeding fiscal year.  
1 16 2. For salaries, support, maintenance, and miscellaneous  
1 17 purposes:  
1 18 a. Operations:  
1 19 FY 2011=2012..... \$ 6,570,000  
1 20 FY 2012=2013..... \$ 6,570,000  
1 21 b. Planning:  
1 22 FY 2011=2012..... \$ 458,000  
1 23 FY 2012=2013..... \$ 458,000  
1 24 c. Motor vehicles:  
1 25 FY 2011=2012..... \$ 33,921,000  
1 26 FY 2012=2013..... \$ 33,921,000  
1 27 3. For payments to the department of administrative  
1 28 services for utility services:  
1 29 FY 2011=2012..... \$ 225,000  
1 30 FY 2012=2013..... \$ 225,000  
1 31 4. Unemployment compensation:  
1 32 FY 2011=2012..... \$ 7,000  
1 33 FY 2012=2013..... \$ 7,000  
1 34 5. For payments to the department of administrative  
1 35 services for paying workers' compensation claims under chapter



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2 1 85 on behalf of employees of the department of transportation:  
2 2 FY 2011=2012..... \$ 119,000  
2 3 FY 2012=2013..... \$ 119,000  
2 4 6. For payment to the general fund of the state for indirect  
2 5 cost recoveries:  
2 6 FY 2011=2012..... \$ 78,000  
2 7 FY 2012=2013..... \$ 78,000  
2 8 7. For reimbursement to the auditor of state for audit  
2 9 expenses as provided in section 11.5B:  
2 10 FY 2011=2012..... \$ 67,319  
2 11 FY 2012=2013..... \$ 67,319  
2 12 8. For automation, telecommunications, and related costs  
2 13 associated with the county issuance of driver's licenses and  
2 14 vehicle registrations and titles:  
2 15 FY 2011=2012..... \$ 1,406,000  
2 16 FY 2012=2013..... \$ 1,406,000  
2 17 9. For transfer to the department of public safety for  
2 18 operating a system providing toll-free telephone road and  
2 19 weather conditions information:  
2 20 FY 2011=2012..... \$ 100,000  
2 21 FY 2012=2013..... \$ 100,000  
2 22 10. For costs associated with the participation in the  
2 23 Mississippi river parkway commission:  
2 24 FY 2011=2012..... \$ 40,000  
2 25 FY 2012=2013..... \$ 40,000  
2 26 11. For motor vehicle division field facility maintenance  
2 27 projects at various locations:  
2 28 FY 2011=2012..... \$ 200,000  
2 29 FY 2012=2013..... \$ 200,000  
2 30 12. For scale replacement projects at various locations:  
2 31 FY 2011=2012..... \$ 550,000  
2 32 FY 2012=2013..... \$ 550,000  
2 33 For purposes of section 8.33, unless specifically provided  
2 34 otherwise, moneys appropriated in subsections 11 and 12 that  
2 35 remain unencumbered or unobligated shall not revert but shall



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3 1 remain available for expenditure for the purposes designated  
3 2 until the close of the fiscal year that ends three years after  
3 3 the end of the fiscal year for which the appropriation was  
3 4 made. However, if the projects for which the appropriation  
3 5 was made are completed in an earlier fiscal year, unencumbered  
3 6 or unobligated moneys shall revert at the close of that same  
3 7 fiscal year.  
3 8     Sec. 2. PRIMARY ROAD FUND. There is appropriated from the  
3 9 primary road fund created in section 313.3 to the department of  
3 10 transportation for the following fiscal years, the following  
3 11 amounts, or so much thereof as is necessary, to be used for the  
3 12 purposes designated:  
3 13     1. For salaries, support, maintenance, and miscellaneous  
3 14 purposes:  
3 15         a. Operations:  
3 16 FY 2011=2012..... \$ 40,356,529  
3 17 FY 2012=2013..... \$ 40,356,529  
3 18         b. Planning:  
3 19 FY 2011=2012..... \$ 8,697,095  
3 20 FY 2012=2013..... \$ 8,697,095  
3 21         c. Highways:  
3 22 FY 2011=2012..... \$230,913,992  
3 23 FY 2012=2013..... \$233,026,992  
3 24         d. Motor vehicles:  
3 25 FY 2011=2012..... \$ 1,413,540  
3 26 FY 2012=2013..... \$ 1,413,540  
3 27     2. For payments to the department of administrative  
3 28 services for utility services:  
3 29 FY 2011=2012..... \$ 1,388,000  
3 30 FY 2012=2013..... \$ 1,388,000  
3 31     3. Unemployment compensation:  
3 32 FY 2011=2012..... \$ 138,000  
3 33 FY 2012=2013..... \$ 138,000  
3 34     4. For payments to the department of administrative  
3 35 services for paying workers' compensation claims under





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4	1	chapter 85 on behalf of the employees of the department of	
4	2	transportation:	
4	3	FY 2011=2012.....	\$ 2,846,000
4	4	FY 2012=2013.....	\$ 2,846,000
4	5	5. For disposal of hazardous wastes from field locations and	
4	6	the central complex:	
4	7	FY 2011=2012.....	\$ 800,000
4	8	FY 2012=2013.....	\$ 800,000
4	9	6. For payment to the general fund of the state for indirect	
4	10	cost recoveries:	
4	11	FY 2011=2012.....	\$ 572,000
4	12	FY 2012=2013.....	\$ 572,000
4	13	7. For reimbursement to the auditor of state for audit	
4	14	expenses as provided in section 11.5B:	
4	15	FY 2011=2012.....	\$ 415,181
4	16	FY 2012=2013.....	\$ 415,181
4	17	8. For costs associated with producing transportation maps:	
4	18	FY 2011=2012.....	\$ 242,000
4	19	FY 2012=2013.....	\$ 242,000
4	20	9. For inventory and equipment replacement:	
4	21	FY 2011=2012.....	\$ 5,366,000
4	22	FY 2012=2013.....	\$ 5,366,000
4	23	10. For utility improvements at various locations:	
4	24	FY 2011=2012.....	\$ 400,000
4	25	FY 2012=2013.....	\$ 400,000
4	26	11. For roofing projects at various locations:	
4	27	FY 2011=2012.....	\$ 200,000
4	28	FY 2012=2013.....	\$ 200,000
4	29	12. For heating, cooling, and exhaust system improvements	
4	30	at various locations:	
4	31	FY 2011=2012.....	\$ 400,000
4	32	FY 2012=2013.....	\$ 200,000
4	33	13. For deferred maintenance projects at field facilities	
4	34	throughout the state:	
4	35	FY 2011=2012.....	\$ 1,000,000



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5 1 FY 2012=2013..... \$ 1,000,000  
5 2 14. For elevator upgrades at the Ames complex:  
5 3 FY 2011=2012..... \$ 100,000  
5 4 FY 2012=2013..... \$ 0  
5 5 15. For wastewater treatment improvements at various  
5 6 locations:  
5 7 FY 2011=2012..... \$ 1,000,000  
5 8 FY 2012=2013..... \$ 1,000,000  
5 9 16. For replacement of the Swea City garage:  
5 10 FY 2011=2012..... \$ 2,100,000  
5 11 FY 2012=2013..... \$ 0  
5 12 17. For replacement of the New Hampton combined facility:  
5 13 FY 2011=2012..... \$ 0  
5 14 FY 2012=2013..... \$ 5,200,000  
5 15 For purposes of section 8.33, unless specifically provided  
5 16 otherwise, moneys appropriated in subsections 10 through 17  
5 17 that remain unencumbered or unobligated shall not revert  
5 18 but shall remain available for expenditure for the purposes  
5 19 designated until the close of the fiscal year that ends  
5 20 three years after the end of the fiscal year for which the  
5 21 appropriation was made. However, if the project or projects  
5 22 for which such appropriation was made are completed in an  
5 23 earlier fiscal year, unencumbered or unobligated moneys shall  
5 24 revert at the close of that same fiscal year.  
5 25 EXPLANATION  
5 26 This bill makes and limits appropriations for FY 2011=2012  
5 27 and FY 2012=2013 from the road use tax fund and the primary  
5 28 road fund to the department of transportation.  
5 29 Appropriations from the road use tax fund include  
5 30 appropriations for driver's license production costs, salaries,  
5 31 operations, planning, motor vehicles, utility services provided  
5 32 by the department of administrative services, unemployment  
5 33 and workers' compensation, indirect cost recoveries, audits,  
5 34 county issuance of driver's licenses and vehicle registration  
5 35 and titling, a system providing toll-free telephone road and



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6 1 weather reports, participation in the Mississippi river parkway  
6 2 commission, motor vehicle division field facility maintenance  
6 3 projects, and scale replacement projects.  
6 4 Appropriations from the primary road fund include  
6 5 appropriations for salaries, operations, planning, highways,  
6 6 motor vehicles, utility services provided by the department  
6 7 of administrative services, unemployment and workers'  
6 8 compensation, hazardous waste disposal, indirect cost  
6 9 recoveries, audits, production of transportation maps,  
6 10 inventory and equipment replacement, utility projects,  
6 11 roofing projects, heating and cooling improvements, deferred  
6 12 maintenance at field facilities, elevator upgrades at the Ames  
6 13 complex, wastewater treatment improvements, replacement of the  
6 14 Swea City garage, and replacement of the New Hampton combined  
6 15 facility.

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dea/tm



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## House Study Bill 115

SENATE/HOUSE FILE  
BY (PROPOSED GOVERNOR'S  
BUDGET BILL)

### A BILL FOR

1 An Act relating to and making appropriations to the judicial  
2 branch.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1015XG (5) 84  
jm/tm



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1 1 Section 1. JUDICIAL BRANCH.  
1 2 1. There is appropriated from the general fund of the state  
1 3 to the judicial branch for the following fiscal years the  
1 4 following amounts, or so much thereof as is necessary, to be  
1 5 used for the purposes designated:  
1 6 a. For salaries of supreme court justices, appellate court  
1 7 judges, district court judges, district associate judges,  
1 8 judicial magistrates and staff, state court administrator,  
1 9 clerk of the supreme court, district court administrators,  
1 10 clerks of the district court, juvenile court officers, board of  
1 11 law examiners and board of examiners of shorthand reporters and  
1 12 judicial qualifications commission; receipt and disbursement  
1 13 of child support payments; reimbursement of the auditor of  
1 14 state for expenses incurred in completing audits of the offices  
1 15 of the clerks of the district court during the fiscal years  
1 16 beginning July 1, 2011, and July 1, 2012; and maintenance,  
1 17 equipment, and miscellaneous purposes:  
1 18 FY 2011=2012..... \$157,700,609  
1 19 FY 2012=2013..... \$157,700,609  
1 20 b. For deposit in the revolving fund created pursuant  
1 21 to section 602.1302, subsection 3, for jury and witness  
1 22 fees, mileage, costs related to summoning jurors, fees for  
1 23 interpreters, and reimbursement of attorney fees paid by the  
1 24 state public defender:  
1 25 FY 2011=2012..... \$ 3,700,000  
1 26 FY 2012=2013..... \$ 3,700,000  
1 27 2. The judicial branch, except for purposes of internal  
1 28 processing, shall use the current state budget system, the  
1 29 state payroll system, and the Iowa finance and accounting  
1 30 system in administration of programs and payments for services,  
1 31 and shall not duplicate the state payroll, accounting, and  
1 32 budgeting systems.  
1 33 3. The judicial branch shall submit monthly financial  
1 34 statements to the legislative services agency and the  
1 35 department of management containing all appropriated accounts



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2 1 in the same manner as provided in the monthly financial status  
2 2 reports and personal services usage reports of the department  
2 3 of administrative services. The monthly financial statements  
2 4 shall include a comparison of the dollars and percentage  
2 5 spent of budgeted versus actual revenues and expenditures on  
2 6 a cumulative basis for full-time equivalent positions and  
2 7 dollars.

2 8 4. The judicial branch shall focus efforts upon the  
2 9 collection of delinquent fines, penalties, court costs, fees,  
2 10 surcharges, or similar amounts.

2 11 5. The judicial branch shall submit a semiannual update  
2 12 to the legislative services agency specifying the amounts of  
2 13 fines, surcharges, and court costs collected using the Iowa  
2 14 court information system since the last report. The judicial  
2 15 branch shall continue to facilitate the sharing of vital  
2 16 sentencing and other information with other state departments  
2 17 and governmental agencies involved in the criminal justice  
2 18 system through the Iowa court information system.

2 19 6. a. The judicial branch shall provide a report to the  
2 20 general assembly by January 1, 2012, concerning the amounts  
2 21 received and expended from the enhanced court collections  
2 22 fund created in section 602.1304 and the court technology and  
2 23 modernization fund created in section 602.8108, subsection  
2 24 7, during the fiscal year beginning July 1, 2010, and ending  
2 25 June 30, 2011, and the plans for expenditures from each fund  
2 26 during the fiscal year beginning July 1, 2011, and ending  
2 27 June 30, 2012. A copy of the report shall be provided to the  
2 28 legislative services agency.

2 29 b. The judicial branch shall provide a report to the general  
2 30 assembly by January 1, 2013, concerning the amounts received  
2 31 and expended from the enhanced court collections fund created  
2 32 in section 602.1304 and the court technology and modernization  
2 33 fund created in section 602.8108, subsection 7, during the  
2 34 fiscal year beginning July 1, 2011, and ending June 30, 2012,  
2 35 and the plans for expenditures from each fund during the fiscal



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3 1 year beginning July 1, 2012, and ending June 30, 2013. A copy  
3 2 of the report shall be provided to the legislative services  
3 3 agency.

3 4 7. The judicial branch is encouraged to purchase products  
3 5 from Iowa state industries, as defined in section 904.802, when  
3 6 purchases are required and the products are available from Iowa  
3 7 state industries. The judicial branch shall obtain bids from  
3 8 Iowa state industries for purchases of office furniture during  
3 9 the fiscal years beginning July 1, 2011, and July 1, 2012,  
3 10 exceeding \$5,000.

3 11 Sec. 2. CIVIL TRIALS ==== LOCATION. Notwithstanding any  
3 12 provision to the contrary, for the fiscal years beginning July  
3 13 1, 2011, and July 1, 2012, if all parties in a case agree, a  
3 14 civil trial including a jury trial may take place in a county  
3 15 contiguous to the county with proper jurisdiction, even if the  
3 16 contiguous county is located in an adjacent judicial district  
3 17 or judicial election district. If the trial is moved pursuant  
3 18 to this section, court personnel shall treat the case as if a  
3 19 change of venue occurred. However, if a trial is moved to an  
3 20 adjacent judicial district or judicial election district, the  
3 21 judicial officers serving in the judicial district or judicial  
3 22 election district receiving the case shall preside over the  
3 23 case.

3 24 Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding section  
3 25 602.1509, for the fiscal years beginning July 1, 2011, and July  
3 26 1, 2012, a judicial officer may waive travel reimbursement for  
3 27 any travel outside the judicial officer's county of residence  
3 28 to conduct official judicial business.

3 29 Sec. 4. POSTING OF REPORTS IN ELECTRONIC FORMAT ====

3 30 LEGISLATIVE SERVICES AGENCY. All reports or copies of reports  
3 31 required to be provided by the judicial branch for fiscal years  
3 32 beginning July 1, 2011, and July 1, 2012, to the legislative  
3 33 services agency shall be provided in an electronic format.  
3 34 The legislative services agency shall post the reports on its  
3 35 internet website and shall notify by electronic means all the



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4 1 members of the joint appropriations subcommittee on the justice  
4 2 system when a report is posted. Upon request, copies of the  
4 3 reports may be mailed to members of the joint appropriations  
4 4 subcommittee on the justice system.

4 5     Sec. 5. JUDICIAL OFFICER ==== UNPAID LEAVE. Notwithstanding  
4 6 the annual salary rates for judicial officers established  
4 7 by 2008 Iowa Acts, chapter 1191, section 11, for the fiscal  
4 8 years beginning July 1, 2011, and July 1, 2012, the supreme  
4 9 court may by order place all judicial officers on unpaid leave  
4 10 status on any day employees of the judicial branch are placed  
4 11 on temporary layoff status. The biweekly pay of the judicial  
4 12 officers shall be reduced accordingly for the pay period in  
4 13 which the unpaid leave date occurred in the same manner as for  
4 14 noncontract employees of the judicial branch. Through the  
4 15 course of the two fiscal years, the judicial branch may use an  
4 16 amount equal to the aggregate amount of salary reductions due  
4 17 to the judicial officer unpaid leave days for any purpose other  
4 18 than for judicial salaries.

4 19     Sec. 6. IOWA COMMUNICATIONS NETWORK. It is the intent  
4 20 of the general assembly that the judicial branch utilize  
4 21 the Iowa communications network or other secure electronic  
4 22 communications in lieu of traveling for the fiscal years  
4 23 beginning July 1, 2011, and July 1, 2012.

4 24                                     EXPLANATION

4 25     This bill appropriates from the general fund of the state  
4 26 for FY 2011=2012 and FY 2012=2013 to the judicial branch for  
4 27 salaries, maintenance, equipment, and miscellaneous purposes.

4 28     The bill appropriates \$3.7 million from the general fund of  
4 29 the state for FY 2011=2012 to the revolving fund created in  
4 30 Code section 602.1302 for jury and witness fees, mileage, costs  
4 31 related to summoning jurors, fees for interpreters, and certain  
4 32 attorney fee reimbursement. The bill also appropriates \$3.7  
4 33 million from the general fund of the state to the revolving  
4 34 fund for FY 2012=2013.

4 35     The bill provides for the two fiscal years that a civil trial





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5 1 including a jury trial may take place in a county contiguous  
5 2 to the county with proper jurisdiction, even if the contiguous  
5 3 county is located in an adjacent judicial district or judicial  
5 4 election district, if all the parties in a case agree. If a  
5 5 trial is moved to another county that is located in another  
5 6 judicial district or judicial election district, the judicial  
5 7 officers serving the judicial district or judicial election  
5 8 district receiving the case shall preside over the case.  
5 9 The bill permits a judicial officer to waive travel  
5 10 reimbursement for any travel outside the judicial officer's  
5 11 county of residence to conduct official business.  
5 12 The bill allows a judicial officer to be placed on unpaid  
5 13 leave, by order of the supreme court, for the fiscal years  
5 14 beginning July 1, 2011, and July 1, 2012, on any day a court  
5 15 employee is placed on temporary layoff status. The bill  
5 16 provides that if a judicial officer is placed on unpaid leave,  
5 17 the salary of the judicial officer shall be reduced accordingly  
5 18 for the pay period in which the unpaid leave occurred. Through  
5 19 the course of the two fiscal years, the bill provides that the  
5 20 judicial branch may use an amount equal to the aggregate amount  
5 21 of the salary reductions due to judicial officer unpaid leave  
5 22 for any purpose other than judicial salaries.  
5 23 The bill provides legislative intent that the judicial  
5 24 branch utilize the Iowa communications network or other secure  
5 25 electronic communications in lieu of traveling.

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jm/tm



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## House Study Bill 116

SENATE/HOUSE FILE  
BY (PROPOSED GOVERNOR'S  
BUDGET BILL)

### A BILL FOR

1 An Act relating to and making appropriations to certain state  
2 departments, agencies, funds, and certain other entities,  
3 providing for regulatory authority, and other properly  
4 related matters and including effective date provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1009XG (11) 84  
rn/tm



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1 1 Section 1. DEPARTMENT OF ADMINISTRATIVE SERVICES.  
1 2 1. There is appropriated from the general fund of the state  
1 3 to the department of administrative services for the following  
1 4 fiscal years, the following amounts, or so much thereof as is  
1 5 necessary, to be used for the purposes designated:  
1 6 a. For salaries, support, maintenance, and miscellaneous  
1 7 purposes:  
1 8 FY 2011=2012..... \$ 4,210,320  
1 9 FY 2012=2013..... \$ 4,210,320  
1 10 b. For the payment of utility costs:  
1 11 FY 2011=2012..... \$ 2,939,460  
1 12 FY 2012=2013..... \$ 2,939,460  
1 13 (1) Notwithstanding section 8.33, any excess funds  
1 14 appropriated for utility costs in this lettered paragraph shall  
1 15 not revert to the general fund of the state at the end of the  
1 16 fiscal year but shall remain available for expenditure for  
1 17 the purposes of this lettered paragraph during the succeeding  
1 18 fiscal year.  
1 19 (2) It is the intent of the general assembly that  
1 20 the department shall reduce utility costs through energy  
1 21 conservation practices. The goal of the general assembly is to  
1 22 reduce energy use by 10 percent to save money, conserve energy  
1 23 resources, and reduce pollution.  
1 24 c. For Terrace Hill operations:  
1 25 FY 2011=2012..... \$ 405,914  
1 26 FY 2012=2013..... \$ 405,914  
1 27 d. For the I3 distribution account:  
1 28 FY 2011=2012..... \$ 3,478,000  
1 29 FY 2012=2013..... \$ 3,478,000  
1 30 e. For operations and maintenance of the Iowa building:  
1 31 FY 2011=2012..... \$ 1,018,185  
1 32 FY 2012=2013..... \$ 1,018,185  
1 33 2. The department shall, with the goal of reducing costs,  
1 34 reduce the size of the state fleet, examine policies on  
1 35 when state vehicles are assigned and circumstances for when



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2 1 employees take state vehicles home, and consider guidelines  
2 2 for when to sell and purchase new vehicles. The department  
2 3 shall submit a report to the general assembly by January 1,  
2 4 2012, concerning the department's efforts to reduce state motor  
2 5 vehicle fleet costs, including data on the extent of savings  
2 6 realized.

2 7 3. Members of the general assembly serving as members of  
2 8 the deferred compensation advisory board shall be entitled  
2 9 to receive per diem and necessary travel and actual expenses  
2 10 pursuant to section 2.10, subsection 5, while carrying out  
2 11 their official duties as members of the board.

2 12 4. Any funds and premiums collected by the department for  
2 13 workers' compensation shall be segregated into a separate  
2 14 workers' compensation fund in the state treasury to be used  
2 15 for payment of state employees' workers' compensation claims  
2 16 and administrative costs. Notwithstanding section 8.33,  
2 17 unencumbered or unobligated moneys remaining in this workers'  
2 18 compensation fund at the end of the fiscal year shall not  
2 19 revert but shall be available for expenditure for purposes of  
2 20 the fund for subsequent fiscal years.

2 21 Sec. 2. REVOLVING FUNDS. There is appropriated to the  
2 22 department of administrative services for the fiscal years  
2 23 beginning July 1, 2011, and July 1, 2012, from the revolving  
2 24 funds designated in chapter 8A and from internal service funds  
2 25 created by the department such amounts as the department deems  
2 26 necessary for the operation of the department consistent with  
2 27 the requirements of chapter 8A.

2 28 Sec. 3. FUNDING FOR IOWACCESS.

2 29 1. Notwithstanding section 321A.3, subsection 1, for the  
2 30 fiscal years beginning July 1, 2011, and July 1, 2012, the  
2 31 first \$1,000,000 collected and transferred by the department of  
2 32 transportation to the treasurer of state with respect to the  
2 33 fees for transactions involving the furnishing of a certified  
2 34 abstract of a vehicle operating record under section 321A.3,  
2 35 subsection 1, shall be transferred to the IowAccess revolving



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3 1 fund for the purposes of developing, implementing, maintaining,  
3 2 and expanding electronic access to government records as  
3 3 provided by law.

3 4 2. All fees collected with respect to transactions  
3 5 involving IowAccess shall be deposited in the IowAccess  
3 6 revolving fund and shall be used only for the support of  
3 7 IowAccess projects.

3 8 Sec. 4. STATE EMPLOYEE HEALTH INSURANCE ADMINISTRATION  
3 9 CHARGE. For the fiscal years beginning July 1, 2011, and  
3 10 July 1, 2012, the monthly per contract administrative charge  
3 11 which may be assessed by the department of administrative  
3 12 services shall be \$2 per contract on all health insurance plans  
3 13 administered by the department.

3 14 Sec. 5. AUDITOR OF STATE.

3 15 1. There is appropriated from the general fund of the  
3 16 state to the office of the auditor of state for the following  
3 17 fiscal years, the following amounts, or so much thereof as is  
3 18 necessary, to be used for the purposes designated:

3 19 For salaries, support, maintenance, and miscellaneous  
3 20 purposes:

3 21 FY 2011=2012.....	\$	905,468
3 22 FY 2012=2013.....	\$	905,468

3 23 2. The auditor of state may retain additional full-time  
3 24 equivalent positions in excess of the number of positions  
3 25 supported by the appropriation made in this section as is  
3 26 reasonable and necessary to perform governmental subdivision  
3 27 audits which are reimbursable pursuant to section 11.20  
3 28 or 11.21, to perform audits which are requested by and  
3 29 reimbursable from the federal government, and to perform work  
3 30 requested by and reimbursable from departments or agencies  
3 31 pursuant to section 11.5A or 11.5B. The auditor of state  
3 32 shall notify the department of management, the legislative  
3 33 fiscal committee, and the legislative services agency of the  
3 34 additional full-time equivalent positions retained.

3 35 3. The auditor may seek reimbursement from departments



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4 1 and agencies specified in section 11.5B, and governmental  
4 2 subdivisions, in an amount that exceeds the total amount  
4 3 reimbursed to the auditor by those departments, agencies,  
4 4 or governmental subdivisions for the fiscal year beginning  
4 5 July 1, 2008, for audits required by the federal government  
4 6 and reimbursable from federal funds. For purposes of this  
4 7 subsection, "total amount reimbursed" does not include amounts  
4 8 reimbursed for audits required and reimbursed from federal  
4 9 funds.

4 10 Sec. 6. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD. There  
4 11 is appropriated from the general fund of the state to the  
4 12 Iowa ethics and campaign disclosure board for the following  
4 13 fiscal years, the following amounts, or so much thereof as is  
4 14 necessary, for the purposes designated:

4 15 For salaries, support, maintenance, and miscellaneous  
4 16 purposes:

4 17 FY 2011=2012.....	\$	522,086
4 18 FY 2012=2013.....	\$	522,086

4 19 Sec. 7. DEPARTMENT OF COMMERCE.

4 20 1. There is appropriated from the general fund of the state  
4 21 to the department of commerce for the following fiscal years,  
4 22 the following amounts, or so much thereof as is necessary, for  
4 23 the purposes designated:

4 24 a. ALCOHOLIC BEVERAGES DIVISION

4 25 For salaries, support, maintenance, and miscellaneous  
4 26 purposes:

4 27 FY 2011=2012.....	\$	1,370,391
4 28 FY 2012=2013.....	\$	1,370,391

4 29 b. PROFESSIONAL LICENSING AND REGULATION BUREAU

4 30 For salaries, support, maintenance, and miscellaneous  
4 31 purposes:

4 32 FY 2011=2012.....	\$	609,353
4 33 FY 2012=2013.....	\$	609,353

4 34 c. BANKING DIVISION

4 35 For salaries, support, maintenance, and miscellaneous



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5 1 purposes:  
5 2 FY 2011=2012..... \$ 8,320,570  
5 3 FY 2012=2013..... \$ 8,320,570  
5 4 d. CREDIT UNION DIVISION  
5 5 For salaries, support, maintenance, and miscellaneous  
5 6 purposes:  
5 7 FY 2011=2012..... \$ 1,624,315  
5 8 FY 2012=2013..... \$ 1,624,315  
5 9 e. INSURANCE DIVISION  
5 10 (1) For salaries, support, maintenance, and miscellaneous  
5 11 purposes:  
5 12 FY 2011=2012..... \$ 4,684,249  
5 13 FY 2012=2013..... \$ 4,684,249  
5 14 (2) The insurance division may reallocate authorized  
5 15 full-time equivalent positions as necessary to respond to  
5 16 accreditation recommendations or requirements. The insurance  
5 17 division expenditures for examination purposes may exceed the  
5 18 projected receipts, refunds, and reimbursements, estimated  
5 19 pursuant to section 505.7, subsection 7, including the  
5 20 expenditures for retention of additional personnel, if the  
5 21 expenditures are fully reimbursable and the division first does  
5 22 both of the following:  
5 23 (a) Notifies the department of management, the legislative  
5 24 services agency, and the legislative fiscal committee of the  
5 25 need for the expenditures.  
5 26 (b) Files with each of the entities named in subparagraph  
5 27 division (a) the legislative and regulatory justification for  
5 28 the expenditures, along with an estimate of the expenditures.  
5 29 f. UTILITIES DIVISION  
5 30 (1) For salaries, support, maintenance, and miscellaneous  
5 31 purposes:  
5 32 FY 2011=2012..... \$ 7,327,796  
5 33 FY 2012=2013..... \$ 7,327,796  
5 34 (2) The utilities division may expend additional funds,  
5 35 including funds for additional personnel, if those additional



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6 1 expenditures are actual expenses which exceed the funds  
6 2 budgeted for utility regulation and the expenditures are fully  
6 3 reimbursable. Before the division expends or encumbers an  
6 4 amount in excess of the funds budgeted for regulation, the  
6 5 division shall first do both of the following:  
6 6 (a) Notify the department of management, the legislative  
6 7 services agency, and the legislative fiscal committee of the  
6 8 need for the expenditures.  
6 9 (b) File with each of the entities named in subparagraph  
6 10 division (a) the legislative and regulatory justification for  
6 11 the expenditures, along with an estimate of the expenditures.  
6 12 (3) Notwithstanding sections 8.33 and 476.10 or any other  
6 13 provision to the contrary, any balance of the appropriation  
6 14 made in this paragraph for the utilities division or any other  
6 15 operational appropriation that remains unused, unencumbered, or  
6 16 unobligated at the close of the fiscal year shall not revert  
6 17 but shall remain available to be used for purposes of the  
6 18 energy=efficient building project authorized under section  
6 19 476.10B, or for relocation costs in succeeding fiscal years.  
6 20 2. CHARGES. Each division and the office of consumer  
6 21 advocate shall include in its charges assessed or revenues  
6 22 generated an amount sufficient to cover the amount stated  
6 23 in its appropriation and any state=assessed indirect costs  
6 24 determined by the department of administrative services.  
6 25 3. TRAVEL. The director of the department of commerce shall  
6 26 review on a quarterly basis all out=of=state travel for the  
6 27 previous quarter for officers and employees of each division  
6 28 of the department if the travel is not already authorized by  
6 29 the executive council.  
6 30 Sec. 8. DEPARTMENT OF COMMERCE == PROFESSIONAL LICENSING  
6 31 AND REGULATION BUREAU. There is appropriated from the housing  
6 32 trust fund of the Iowa finance authority created in section  
6 33 16.181, to the bureau of professional licensing and regulation  
6 34 of the banking division of the department of commerce for  
6 35 the following fiscal years, the following amounts, or so





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7 1 much thereof as is necessary, to be used for the purposes  
7 2 designated:  
7 3 For salaries, support, maintenance, and miscellaneous  
7 4 purposes:  
7 5 FY 2011=2012..... \$ 62,317  
7 6 FY 2012=2013..... \$ 62,317  
7 7 Sec. 9. GOVERNOR AND LIEUTENANT GOVERNOR. There is  
7 8 appropriated from the general fund of the state to the offices  
7 9 of the governor and the lieutenant governor for the following  
7 10 fiscal years, the following amounts, or so much thereof as is  
7 11 necessary, to be used for the purposes designated:  
7 12 1. GENERAL OFFICE  
7 13 For salaries, support, maintenance, and miscellaneous  
7 14 purposes for the general office of the governor and the general  
7 15 office of the lieutenant governor:  
7 16 FY 2011=2012..... \$ 1,933,307  
7 17 FY 2012=2013..... \$ 1,933,307  
7 18 2. TERRACE HILL QUARTERS  
7 19 For salaries, support, maintenance, and miscellaneous  
7 20 purposes for the governor's quarters at Terrace Hill:  
7 21 FY 2011=2012..... \$ 124,533  
7 22 FY 2012=2013..... \$ 124,533  
7 23 3. ADMINISTRATIVE RULES COORDINATOR  
7 24 For salaries, support, maintenance, and miscellaneous  
7 25 purposes for the office of administrative rules coordinator:  
7 26 FY 2011=2012..... \$ 121,020  
7 27 FY 2012=2013..... \$ 121,020  
7 28 4. NATIONAL GOVERNORS ASSOCIATION  
7 29 For payment of Iowa's membership in the national governors  
7 30 association:  
7 31 FY 2011=2012..... \$ 70,783  
7 32 FY 2012=2013..... \$ 70,783  
7 33 5. STATE=FEDERAL RELATIONS  
7 34 For salaries, support, maintenance, and miscellaneous  
7 35 purposes for the office for state=federal relations:



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8 1 FY 2011=2012..... \$ 38,382  
8 2 FY 2012=2013..... \$ 38,382  
8 3 Sec. 10. GOVERNOR'S OFFICE OF DRUG CONTROL POLICY. There  
8 4 is appropriated from the general fund of the state to the  
8 5 governor's office of drug control policy for the following  
8 6 fiscal years, the following amounts, or so much thereof as is  
8 7 necessary, to be used for the purposes designated:  
8 8 For salaries, support, maintenance, and miscellaneous  
8 9 purposes, including statewide coordination of the drug abuse  
8 10 resistance education (D.A.R.E.) programs or similar programs:  
8 11 FY 2011=2012..... \$ 326,043  
8 12 FY 2012=2013..... \$ 326,043  
8 13 Sec. 11. DEPARTMENT OF HUMAN RIGHTS. There is appropriated  
8 14 from the general fund of the state to the department of human  
8 15 rights for the following fiscal years, the following amounts,  
8 16 or so much thereof as is necessary, to be used for the purposes  
8 17 designated:  
8 18 1. CENTRAL ADMINISTRATION DIVISION  
8 19 For salaries, support, maintenance, and miscellaneous  
8 20 purposes:  
8 21 FY 2011=2012..... \$ 235,890  
8 22 FY 2012=2013..... \$ 235,890  
8 23 2. COMMUNITY ADVOCACY AND SERVICES DIVISION  
8 24 For salaries, support, maintenance, and miscellaneous  
8 25 purposes:  
8 26 FY 2011=2012..... \$ 1,056,792  
8 27 FY 2012=2013..... \$ 1,056,792  
8 28 3. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION  
8 29 a. For salaries, support, maintenance, and miscellaneous  
8 30 purposes:  
8 31 FY 2011=2012..... \$ 1,073,892  
8 32 FY 2012=2013..... \$ 1,073,892  
8 33 b. The criminal and juvenile justice planning advisory  
8 34 council and the juvenile justice advisory council shall  
8 35 coordinate their efforts in carrying out their respective



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9 1 duties relative to juvenile justice.

9 2 Sec. 12. DEPARTMENT OF INSPECTIONS AND APPEALS. There

9 3 is appropriated from the general fund of the state to the

9 4 department of inspections and appeals for the following

9 5 fiscal years, the following amounts, or so much thereof as is

9 6 necessary, for the purposes designated:

9 7 1. ADMINISTRATION DIVISION

9 8 For salaries, support, maintenance, and miscellaneous

9 9 purposes:

9 10 FY 2011=2012..... \$ 1,611,061

9 11 FY 2012=2013..... \$ 1,611,061

9 12 2. ADMINISTRATIVE HEARINGS DIVISION

9 13 For salaries, support, maintenance, and miscellaneous

9 14 purposes:

9 15 FY 2011=2012..... \$ 553,973

9 16 FY 2012=2013..... \$ 553,973

9 17 3. INVESTIGATIONS DIVISION

9 18 a. For salaries, support, maintenance, and miscellaneous

9 19 purposes:

9 20 FY 2011=2012..... \$ 1,168,639

9 21 FY 2012=2013..... \$ 1,168,639

9 22 b. The department, in coordination with the investigations

9 23 division, shall provide a report to the general assembly by

9 24 January 10, 2012, concerning the fiscal impact of additional

9 25 full-time equivalent positions on the department's efforts

9 26 relative to the Medicaid divestiture program under chapter

9 27 249F.

9 28 4. HEALTH FACILITIES DIVISION

9 29 For salaries, support, maintenance, and miscellaneous

9 30 purposes:

9 31 FY 2011=2012..... \$ 3,562,739

9 32 FY 2012=2013..... \$ 3,562,739

9 33 5. EMPLOYMENT APPEAL BOARD

9 34 a. For salaries, support, maintenance, and miscellaneous

9 35 purposes:



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10 1 FY 2011=2012..... \$ 42,215  
10 2 FY 2012=2013..... \$ 42,215  
10 3 b. The employment appeal board shall be reimbursed by  
10 4 the labor services division of the department of workforce  
10 5 development for all costs associated with hearings conducted  
10 6 under chapter 91C, related to contractor registration. The  
10 7 board may expend, in addition to the amounts appropriated under  
10 8 this subsection, additional amounts as are directly billable  
10 9 to the labor services division under this subsection and to  
10 10 retain the additional full-time equivalent positions as needed  
10 11 to conduct hearings required pursuant to chapter 91C.  
10 12 6. CHILD ADVOCACY BOARD  
10 13 a. For foster care review and the court appointed special  
10 14 advocate program, including salaries, support, maintenance, and  
10 15 miscellaneous purposes:  
10 16 FY 2011=2012..... \$ 2,519,473  
10 17 FY 2012=2013..... \$ 2,519,473  
10 18 b. The department of human services, in coordination with  
10 19 the child advocacy board and the department of inspections and  
10 20 appeals, shall submit an application for funding available  
10 21 pursuant to Tit. IV=E of the federal Social Security Act for  
10 22 claims for child advocacy board administrative review costs.  
10 23 c. The court appointed special advocate program shall  
10 24 investigate and develop opportunities for expanding  
10 25 fund-raising for the program.  
10 26 d. Administrative costs charged by the department of  
10 27 inspections and appeals for items funded under this subsection  
10 28 shall not exceed 4 percent of the amount appropriated each  
10 29 fiscal year in this subsection.  
10 30 e. Notwithstanding any provision of sections 237.18 and  
10 31 237.20 to the contrary, the child advocacy board may establish  
10 32 up to six pilot projects using alternative policies to guide  
10 33 the selection of cases and the procedures used by local  
10 34 citizen foster care review boards as they review cases of  
10 35 children who received or are receiving foster care or other



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11 1 out-of-home placement services while under the supervision of  
11 2 the department of human services. Policies to guide the pilot  
11 3 project case selection and review time frames and reporting  
11 4 formats shall be approved by the department of human services,  
11 5 state court administrator, and the chief judge of any judicial  
11 6 district in which a pilot project is to be implemented. The  
11 7 child advocacy board shall report to the governor and general  
11 8 assembly by January 1, 2012, and January 1, 2013, on the  
11 9 progress of any new approaches and their impact on efficiencies  
11 10 and case outcomes.

11 11 Sec. 13. DEPARTMENT OF INSPECTIONS AND APPEALS == MUNICIPAL  
11 12 CORPORATION FOOD INSPECTIONS. For the fiscal years beginning  
11 13 July 1, 2011, and July 1, 2012, the department of inspections  
11 14 and appeals shall retain any license fees generated during  
11 15 the fiscal year as a result of actions under section 137F.3A  
11 16 occurring during the fiscal years beginning July 1, 2009,  
11 17 and ending June 30, 2010, and beginning July 1, 2010, and  
11 18 ending June 30, 2011, the amounts retained are appropriated  
11 19 to the department to be used for the purpose of enforcing the  
11 20 provisions of chapters 137C, 137D, and 137F.

11 21 Sec. 14. DEPARTMENT OF INSPECTIONS AND APPEALS ==  
11 22 HEALTH CARE FACILITIES INSPECTIONS. Notwithstanding any  
11 23 provision of section 135C.16 to the contrary, for the fiscal  
11 24 years beginning July 1, 2011, and July 1, 2012, inspections of  
11 25 health care facilities that are only state-licensed and not  
11 26 certified under the Medicare or Medicaid programs shall not be  
11 27 inspected by the department of inspections and appeals every  
11 28 thirty months, but only as provided pursuant to sections 135C.9  
11 29 and 135C.38.

11 30 Sec. 15. MEDICAID FRAUD ACCOUNT APPROPRIATION == DEPARTMENT  
11 31 OF INSPECTIONS AND APPEALS. There is appropriated from  
11 32 the Medicaid fraud account created in section 249A.7 to the  
11 33 department of inspections and appeals for the fiscal years  
11 34 beginning July 1, 2011, and July 1, 2012, the amounts necessary  
11 35 to be used for the purposes designated:



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12 1       1. To cover the cost of any state match to draw down  
12 2 matching federal funds through the department of human services  
12 3 for additional full-time equivalent positions for conducting  
12 4 investigations of alleged fraud and overpayments of food  
12 5 assistance benefits through electronic benefits transfer.  
12 6       2. For the state financial match requirement for meeting the  
12 7 federal mandates connected with the department's investigations  
12 8 division fraud, abuse, audit, and overpayment recovery  
12 9 activities, and the amount necessary to cover costs incurred  
12 10 by the department or other agencies in providing regulation,  
12 11 responding to allegations, or other activity involving chapter  
12 12 1350.  
12 13       Sec. 16. RACING AND GAMING COMMISSION.  
12 14       1. RACETRACK REGULATION  
12 15       There is appropriated from the general fund of the state  
12 16 to the racing and gaming commission of the department of  
12 17 inspections and appeals for the following fiscal years, the  
12 18 following amounts, or so much thereof as is necessary, to be  
12 19 used for the purposes designated:  
12 20       For salaries, support, maintenance, and miscellaneous  
12 21 purposes for the regulation of pari-mutuel racetracks:  
12 22 FY 2011=2012..... \$ 2,360,754  
12 23 FY 2012=2013..... \$ 2,360,754  
12 24       2. EXCURSION BOAT AND GAMBLING STRUCTURE REGULATION  
12 25       There is appropriated from the general fund of the state  
12 26 to the racing and gaming commission of the department of  
12 27 inspections and appeals for the following fiscal years, the  
12 28 following amounts, or so much thereof as is necessary, to be  
12 29 used for the purposes designated:  
12 30       For salaries, support, maintenance, and miscellaneous  
12 31 purposes for administration and enforcement of the excursion  
12 32 boat gambling and gambling structure laws:  
12 33 FY 2011=2012..... \$ 2,893,414  
12 34 FY 2012=2013..... \$ 2,893,414  
12 35       However, if more than 14 licenses to operate gambling



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13 1 games on a gambling structure or excursion gambling boat are  
13 2 issued during the fiscal years beginning July 1, 2011, and  
13 3 July 1, 2012, there is appropriated from the general fund to  
13 4 the department an additional amount of not more than \$166,116  
13 5 for not more than 2.00 full-time equivalent positions for each  
13 6 licensed gambling structure or excursion gambling boat in  
13 7 excess of 14.

13 8     Sec. 17. ROAD USE TAX FUND APPROPRIATION == DEPARTMENT OF  
13 9 INSPECTIONS AND APPEALS. There is appropriated from the road  
13 10 use tax fund created in section 312.1 to the administrative  
13 11 hearings division of the department of inspections and appeals  
13 12 for the following fiscal years, the following amounts, or so  
13 13 much thereof as is necessary, for the purposes designated:

13 14     For salaries, support, maintenance, and miscellaneous  
13 15 purposes:

13 16 FY 2011=2012..... \$ 1,623,897  
13 17 FY 2012=2013..... \$ 1,623,897

13 18     Sec. 18. DEPARTMENT OF MANAGEMENT.

13 19     1. There is appropriated from the general fund of the state  
13 20 to the department of management for the following fiscal years,  
13 21 the following amounts, or so much thereof as is necessary, to  
13 22 be used for the purposes designated:

13 23     For salaries, support, maintenance, and miscellaneous  
13 24 purposes:

13 25 FY 2011=2012..... \$ 2,163,998  
13 26 FY 2012=2013..... \$ 2,163,998

13 27     2. Of the moneys appropriated in this section, the  
13 28 department shall use a portion for grants enterprise  
13 29 management, enterprise resource planning, providing for a  
13 30 salary model administrator, conducting performance audits, and  
13 31 the department's LEAN process.

13 32     Sec. 19. ROAD USE TAX APPROPRIATION == DEPARTMENT OF  
13 33 MANAGEMENT. There is appropriated from the road use tax fund  
13 34 created in section 312.1 to the department of management for  
13 35 the following fiscal years, the following amounts, or so



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14 1 much thereof as is necessary, to be used for the purposes  
14 2 designated:  
14 3 For salaries, support, maintenance, and miscellaneous  
14 4 purposes:  
14 5 FY 2011=2012..... \$ 56,000  
14 6 FY 2012=2013..... \$ 56,000  
14 7 Sec. 20. DEPARTMENT OF REVENUE.  
14 8 1. There is appropriated from the general fund of the state  
14 9 to the department of revenue for the following fiscal years,  
14 10 the following amounts, or so much thereof as is necessary, to  
14 11 be used for the purposes designated:  
14 12 For salaries, support, maintenance, and miscellaneous  
14 13 purposes:  
14 14 FY 2011=2012..... \$ 17,507,743  
14 15 FY 2012=2013..... \$ 17,507,743  
14 16 2. Of the funds appropriated pursuant to this section,  
14 17 \$400,000 shall be used in each fiscal year to pay the direct  
14 18 costs of compliance related to the collection and distribution  
14 19 of local sales and services taxes imposed pursuant to chapters  
14 20 423B and 423E.  
14 21 3. The director of revenue shall prepare and issue a state  
14 22 appraisal manual and the revisions to the state appraisal  
14 23 manual as provided in section 421.17, subsection 17, without  
14 24 cost to a city or county.  
14 25 4. The director of revenue shall provide a report to the  
14 26 general assembly by January 10, 2012, concerning the impact on  
14 27 revenues collected by the department relative to any increase  
14 28 in examiners authorized for the department in legislation  
14 29 enacted during the 2010 session of the general assembly.  
14 30 Sec. 21. DEPARTMENT OF REVENUE == REVENUE EXAMINERS. There  
14 31 is appropriated from the general fund of the state to the  
14 32 department of revenue for the following fiscal years, the  
14 33 following amounts, or so much thereof as is necessary, to be  
14 34 used for the purposes designated:  
14 35 For salaries, support, maintenance, and miscellaneous





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15 1 purposes:  
15 2 FY 2011=2012..... \$ 297,716  
15 3 FY 2012=2013..... \$ 297,716  
15 4 Sec. 22. MOTOR VEHICLE FUEL TAX APPROPRIATION. There  
15 5 is appropriated from the motor fuel tax fund created by  
15 6 section 452A.77 to the department of revenue for the following  
15 7 fiscal years, the following amounts, or so much thereof as is  
15 8 necessary, to be used for the purposes designated:  
15 9 For salaries, support, maintenance, miscellaneous purposes,  
15 10 and for administration and enforcement of the provisions of  
15 11 chapter 452A and the motor vehicle use tax program:  
15 12 FY 2011=2012..... \$ 1,305,775  
15 13 FY 2012=2013..... \$ 1,305,775  
15 14 Sec. 23. SECRETARY OF STATE.  
15 15 1. There is appropriated from the general fund of the state  
15 16 to the office of the secretary of state for the following  
15 17 fiscal years, the following amounts, or so much thereof as is  
15 18 necessary, to be used for the purposes designated:  
15 19 a. For salaries, support, maintenance, and miscellaneous  
15 20 purposes:  
15 21 FY 2011=2012..... \$ 2,970,585  
15 22 FY 2012=2013..... \$ 2,970,585  
15 23 b. For costs associated with decennial redistricting:  
15 24 FY 2011=2012..... \$ 75,000  
15 25 2. The state department or state agency which provides  
15 26 data processing services to support voter registration file  
15 27 maintenance and storage shall provide those services without  
15 28 charge.  
15 29 Sec. 24. SECRETARY OF STATE FILING FEES REFUND.  
15 30 Notwithstanding the obligation to collect fees pursuant to the  
15 31 provisions of section 490.122, subsection 1, paragraphs "a" and  
15 32 "s", and section 504.113, subsection 1, paragraphs "a", "c",  
15 33 "d", "j", "k", "l", and "m", for the fiscal years beginning  
15 34 July 1, 2011, and July 1, 2012, the secretary of state may  
15 35 refund these fees to the filer pursuant to rules established by



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16 1 the secretary of state. The decision of the secretary of state  
16 2 not to issue a refund under rules established by the secretary  
16 3 of state is final and not subject to review pursuant to chapter  
16 4 17A.

16 5 Sec. 25. TREASURER.

16 6 1. There is appropriated from the general fund of the  
16 7 state to the office of treasurer of state for the following  
16 8 fiscal years, the following amounts, or so much thereof as is  
16 9 necessary, to be used for the purposes designated:

16 10 For salaries, support, maintenance, and miscellaneous  
16 11 purposes:

16 12 FY 2011=2012..... \$ 854,289

16 13 FY 2012=2013..... \$ 854,289

16 14 2. The office of treasurer of state shall supply clerical  
16 15 and secretarial support for the executive council.

16 16 Sec. 26. ROAD USE TAX APPROPRIATION == OFFICE OF TREASURER  
16 17 OF STATE. There is appropriated from the road use tax fund  
16 18 created in section 312.1 to the office of treasurer of state  
16 19 for the following fiscal years, the following amounts, or so  
16 20 much thereof as is necessary, to be used for the purposes  
16 21 designated:

16 22 For enterprise resource management costs related to the  
16 23 distribution of road use tax funds:

16 24 FY 2011=2012..... \$ 93,148

16 25 FY 2012=2013..... \$ 93,148

16 26 Sec. 27. IPERS == GENERAL OFFICE. There is appropriated  
16 27 from the Iowa public employees' retirement system fund to the  
16 28 Iowa public employees' retirement system for the following  
16 29 fiscal years, the following amounts, or so much thereof as is  
16 30 necessary, to be used for the purposes designated:

16 31 For salaries, support, maintenance, and other operational  
16 32 purposes to pay the costs of the Iowa public employees'  
16 33 retirement system:

16 34 FY 2011=2012..... \$ 17,686,968

16 35 FY 2012=2013..... \$ 17,686,968



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17 1       Sec. 28. 2010 Iowa Acts, chapter 1193, section 84,  
17 2 subsection 2, is amended to read as follows:  
17 3       2. DEPARTMENT OF REVENUE  
17 4       For the duties of the office of the state debt coordinator  
17 5 established in 2010 Iowa Acts, Senate File 2383, if enacted,  
17 6 including salaries, support, maintenance, services,  
17 7 advertising, miscellaneous purposes, and for not more than the  
17 8 following full-time equivalent positions:  
17 9 ..... \$       300,000  
..... F  
17 10 3.00  
17 11       For the period beginning on the effective date of the section  
17 12 establishing the debt amnesty program in 2010 Iowa Acts, Senate  
17 13 File 2383, through November 30, 2010, or when the program is  
17 14 ended, whichever is later, an amount of the proceeds collected  
17 15 by the program equal to the administrative, advertising, and  
17 16 other costs of the program shall be considered repayment  
17 17 receipts, as defined in section 8.2, and shall be used by the  
17 18 office of the state debt coordinator for those costs.  
17 19       ~~Notwithstanding section 8.33, moneys appropriated in this~~  
~~17 20 section that remain unencumbered or unobligated at the close of~~  
~~17 21 the fiscal year shall not revert but shall remain available for~~  
~~17 22 expenditure for the purposes designated until the close of the~~  
~~17 23 succeeding fiscal year.~~  
17 24       Sec. 29. EFFECTIVE DATE. The section of this Act amending  
17 25 2010 Iowa Acts, chapter 1193, being deemed of immediate  
17 26 importance, takes effect upon enactment.  
17 27                               EXPLANATION  
17 28       This bill relates to and appropriates moneys to various  
17 29 state departments, agencies, and funds for the fiscal years  
17 30 beginning July 1, 2011, and ending June 30, 2012, and beginning  
17 31 July 1, 2012, and ending June 30, 2013. The bill makes  
17 32 appropriations to state departments and agencies including  
17 33 the department of administrative services, auditor of state,  
17 34 Iowa ethics and campaign disclosure board, department of  
17 35 commerce, offices of governor and lieutenant governor, the



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18 1 governor's office of drug control policy, department of human  
18 2 rights, department of inspections and appeals, department  
18 3 of management, department of revenue, secretary of state,  
18 4 treasurer of state, and Iowa public employees' retirement  
18 5 system. The bill also appropriates funding for the state's  
18 6 membership in the national governors association.

18 7       The bill additionally deletes a nonreversion provision with  
18 8 regard to an appropriation during the 2010 legislative session  
18 9 for establishment of the office of the state debt coordinator.

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rn/tm



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**House Study Bill 117**

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
LABOR BILL BY  
CHAIRPERSON HORBACH)

**A BILL FOR**

1 An Act relating to public employee collective bargaining  
2 agreements and including applicability provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2310YC (6) 84  
je/rj



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1 1 Section 1. Section 20.3, Code 2011, is amended by adding the  
1 2 following new subsections:

1 3 NEW SUBSECTION. 1A. "Bargaining unit" means only those  
1 4 employees in a particular class of employees who have not  
1 5 declared themselves a free agent employee.

1 6 NEW SUBSECTION. 4A. "Free agent employee" means a public  
1 7 employee who has signed a release declaring that the employee  
1 8 rejects representation by an employee organization and that the  
1 9 employee understands that signing the release waives any claim  
1 10 or right to representation by that employee organization.

1 11 Sec. 2. Section 20.6, subsection 3, Code 2011, is amended  
1 12 to read as follows:

1 13 3. Establish minimum qualifications for arbitrators and  
1 14 mediators, establish procedures for appointing, maintaining,  
1 15 and removing from a list persons representative of the public  
1 16 to be available to serve as arbitrators and mediators, and  
1 17 establish compensation rates for arbitrators and mediators.

1 18 However, the board shall not establish compensation rates for  
1 19 private mediators. The board may charge the parties involved  
1 20 in an impasse a reasonable fee to cover any cost to the board  
1 21 associated with the duties provided in this subsection,  
1 22 including the training of arbitrators and mediators.

1 23 Sec. 3. Section 20.8, Code 2011, is amended by adding the  
1 24 following new subsection:

1 25 NEW SUBSECTION. 5. Declare themselves a free agent  
1 26 employee.

1 27 Sec. 4. Section 20.9, Code 2011, is amended to read as  
1 28 follows:

1 29 20.9 Scope of negotiations.

1 30 1. The public employer and the employee organization  
1 31 shall meet at reasonable times, including meetings reasonably  
1 32 in advance of the public employer's budget-making process,  
1 33 to negotiate in good faith with respect to wages, hours,  
1 34 vacations, ~~insurance~~, holidays, leaves of absence, shift  
1 35 differentials, overtime compensation, supplemental pay,



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2 1 seniority, transfer procedures, job classifications, health and  
2 2 safety matters, evaluation procedures, ~~procedures for staff~~  
~~2 3 reduction,~~ in-service training, and other matters mutually  
2 4 agreed upon. Negotiations shall also include terms authorizing  
2 5 dues checkoff for members of the employee organization and  
2 6 grievance procedures for resolving any questions arising under  
2 7 the agreement, which shall be embodied in a written agreement  
2 8 and signed by the parties. If an agreement provides for dues  
2 9 checkoff, a member's dues may be checked off only upon the  
2 10 member's written request and the member may terminate the dues  
2 11 checkoff at any time by giving thirty days' written notice.  
2 12 Such obligation to negotiate in good faith does not compel  
2 13 either party to agree to a proposal or make a concession.  
2 14 2. Nothing in this section shall diminish the authority  
2 15 and power of the department of administrative services, board  
2 16 of regents' merit system, Iowa public broadcasting board's  
2 17 merit system, or any civil service commission established by  
2 18 constitutional provision, statute, charter, or special act to  
2 19 recruit employees; prepare, conduct, and grade examinations;  
~~2 20 or rate candidates in order of their relative scores for~~  
2 21 certification for appointment or promotion or for other matters  
2 22 of classification, reclassification, or appeal rights in the  
2 23 classified service of the public employer served.  
2 24 3. ~~All retirement systems~~ The following subjects shall be  
2 25 excluded from the scope of negotiations:  
2 26 a. All retirement systems.  
2 27 b. The terms and source of health insurance or any other  
~~2 28 insurance.~~  
2 29 c. Any requirement that a public employer pay more than  
2 30 seventy percent of the cost of a health insurance plan  
2 31 established pursuant to chapter 509A which the public employer  
2 32 provides for a public employee and other persons covered  
2 33 through the public employee.  
2 34 d. Restrictions or limitations on outsourcing.  
2 35 e. Any restriction on the right of a public employer to



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3 1 consider any factor which the employer may lawfully consider  
3 2 in a layoff.

3 3 Sec. 5. Section 20.20, Code 2011, is amended to read as  
3 4 follows:

3 5 20.20 Mediation.

3 6 1. In the absence of an impasse agreement negotiated  
3 7 pursuant to section 20.19 or the failure of either party  
3 8 to utilize its procedures, one hundred twenty days prior  
3 9 to the certified budget submission date, or one hundred  
3 10 twenty days prior to May 31 of the year when the collective  
3 11 bargaining agreement is to become effective if public employees  
3 12 represented by the employee organization are teachers licensed  
3 13 under chapter 272 and the public employer is a school district  
3 14 or area education agency, the board shall, upon the request of  
3 15 either party, appoint an impartial and disinterested person to  
3 16 act as mediator.

3 17 2. If the public employer is a community college, and in the  
3 18 absence of an impasse agreement negotiated pursuant to section  
3 19 20.19 or the failure of either party to utilize its procedures,  
3 20 one hundred twenty days prior to May 31 of the year when the  
3 21 collective bargaining agreement is to become effective, the  
3 22 board, upon the request of either party, shall appoint an  
3 23 impartial and disinterested person to act as mediator.

3 24 3. If the public employer is not subject to the budget  
3 25 certification requirements of section 24.17 or other applicable  
3 26 sections and in the absence of an impasse agreement negotiated  
3 27 pursuant to section 20.19, or the failure of either party to  
3 28 utilize its procedures, one hundred twenty days prior to the  
3 29 date the next fiscal or budget year of the public employer  
3 30 commences, the board, upon the request of either party, shall  
3 31 appoint an impartial and disinterested person to act as a  
3 32 mediator.

3 33 4. It shall be the function of the mediator to bring the  
3 34 parties together to effectuate a settlement of the dispute, but  
3 35 the mediator ~~may~~ shall not compel the parties to agree.





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4 1     5. The board shall, whenever possible, appoint a mediator  
4 2 from within the board's staff, from the federal mediation and  
4 3 conciliation service, or as otherwise provided by federal law.  
4 4 If such an appointment is not possible, the board shall appoint  
4 5 a private mediator pursuant to section 20.6, subsection 3. All  
4 6 costs associated with the services of a private mediator shall  
4 7 be shared equally by the parties. The parties may agree to a  
4 8 maximum compensation rate for a private mediator. The parties  
4 9 may agree to a maximum number of hours for the length of the  
4 10 mediation.

4 11     Sec. 6. Section 20.22, subsections 3, 6, 7, 9, 10, and 11,  
4 12 Code 2011, are amended to read as follows:

4 13     3. The submission of the impasse items to the arbitrator  
4 14 shall be limited to those items upon which the parties have not  
4 15 reached agreement. ~~With~~ However, with respect to each such  
4 16 item, the arbitrator's award shall not be restricted to the  
4 17 final offers on each impasse item submitted by the parties to  
4 18 the arbitrator.

4 19     6. From the time the board notifies the arbitrator of the  
4 20 selection of the arbitrator until such time as the arbitrator's  
4 21 ~~selection~~ decision on each impasse item is made, there shall be  
4 22 no discussion concerning recommendations for settlement of the  
4 23 dispute by the arbitrator with parties other than those who are  
4 24 direct parties to the dispute.

4 25     7. The arbitrator shall consider, in addition to any other  
4 26 relevant factors, the following factors:

4 27     ~~a. Past collective bargaining contracts between the parties~~  
4 28 ~~including the bargaining that led up to such contracts.~~

4 29     ~~b.~~ a. Comparison of wages, benefits, hours, and conditions  
4 30 of employment of the involved public employees with those  
4 31 of other public employees, including public employees not  
4 32 represented by an employee organization, and with private  
4 33 sector employees doing comparable work, giving consideration to  
4 34 factors peculiar to the area and the classifications involved.  
4 35 In considering this comparison, the arbitrator shall strive to



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5 1 maintain parity in wages, benefits, hours, and conditions of  
5 2 employment between the public sector and the private sector for  
5 3 comparable types of work.  
5 4 ~~e.~~ b. The interests and welfare of the public, the ability  
5 5 of the public employer to finance economic adjustments, and the  
5 6 effect of such adjustments on the normal standard of services.  
5 7 ~~d. The power of the public employer to levy taxes and~~  
5 8 ~~appropriate funds for the conduct of its operations.~~  
5 9 c. Efficiency of the public employer in its ability to carry  
5 10 out any of its functions.  
5 11 d. An increase in any tax.  
5 12 e. A decrease in the provision by the public employer of any  
5 13 service.  
5 14 9. The arbitrator shall ~~select~~ render a decision within  
5 15 fifteen days after the hearing ~~the most reasonable offer, in~~  
5 16 ~~the arbitrator's judgment, of the final offers on~~ consisting  
5 17 of final terms for each impasse item submitted by the parties.  
5 18 The arbitrator may select one of the final offers on each  
5 19 impasse item submitted by the parties or the arbitrator may  
5 20 make an award which does not go beyond the terms of a final  
5 21 offer for any impasse item submitted by the parties.  
5 22 10. The ~~selections~~ decisions by the arbitrator and  
5 23 items agreed upon by the public employer and the employee  
5 24 organization, shall be deemed to be the collective bargaining  
5 25 agreement between the parties.  
5 26 11. The ~~determination~~ decisions of the arbitrator shall be  
5 27 final and binding subject to the provisions of section 20.17,  
5 28 subsection 6 and section 20.22A. The arbitrator shall give  
5 29 written explanation for the arbitrator's ~~selections~~ decision  
5 30 regarding the final terms for each impasse item and inform the  
5 31 parties of the decision.  
5 32 Sec. 7. NEW SECTION. 20.22A Ratification of state employee  
5 33 agreements.  
5 34 1. Prior to a collective bargaining agreement entered into  
5 35 by an employee organization representing state employees,



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6 1 pursuant to the decision of an arbitrator under section 20.22,  
6 2 becoming final and binding, the agreement must be ratified  
6 3 through the enactment of a bill which appropriates funds in  
6 4 an amount necessary to fund the agreement, subject to the  
6 5 provisions of section 20.17, subsection 6.  
6 6 2. A bill ratifying a collective bargaining agreement  
6 7 and appropriating funds in an amount necessary to fund the  
6 8 agreement shall not be enacted if the terms of the agreement  
6 9 cannot be supported by the state budget without new taxation  
6 10 or without a decrease in the provision by the public employer  
6 11 of services.  
6 12 3. The decisions of an arbitrator pursuant to section 20.22,  
6 13 subsections 11 and 12, provide notice to the general assembly  
6 14 of the final terms of the collective bargaining agreement.  
6 15 4. The general assembly shall, within thirty days after  
6 16 the notification, consider a bill ratifying the collective  
6 17 bargaining agreement and appropriating funds in an amount  
6 18 necessary to fund the agreement. If the bill is enacted, the  
6 19 collective bargaining agreement becomes final and binding. The  
6 20 agreement does not become effective until the bill is enacted.  
6 21 5. If the bill ratifying the collective bargaining  
6 22 agreement and appropriating funds in an amount necessary to  
6 23 fund the agreement fails to be approved by a constitutional  
6 24 majority in either the senate or the house of representatives,  
6 25 the secretary of the senate or the chief clerk of the house, as  
6 26 the case may be, shall, within seven days after the date the  
6 27 bill failed to be approved, transmit to the governor and the  
6 28 employee organization representing state employees covered by  
6 29 the proposed agreement information which the senate or house  
6 30 may direct by resolution regarding reasons why the bill was not  
6 31 approved.  
6 32 6. If the governor vetoes a bill or the appropriation  
6 33 in a bill ratifying a collective bargaining agreement,  
6 34 or fails to approve a bill submitted to the governor for  
6 35 approval during or after the last three days of a session



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7 1 of the general assembly, the governor shall, within seven  
7 2 days after the bill or appropriation is vetoed or the bill  
7 3 fails to be approved, transmit to the employee organization  
7 4 representing state employees covered by the proposed agreement  
7 5 information regarding reasons why the bill or appropriation  
7 6 was vetoed or the bill was not approved. The applicable  
7 7 public employer, employee organization, and any fact-finder,  
7 8 mediator, or arbitrator, shall, to the extent the reasons are  
7 9 consistent with this chapter, take into account the reasons  
7 10 for not enacting the bill or the appropriation in any further  
7 11 renegotiating of the collective bargaining agreement.

7 12 7. If a bill ratifying the collective bargaining agreement  
7 13 and appropriating funds in an amount necessary to fund the  
7 14 agreement fails to be enacted, the board, in consultation with  
7 15 the applicable public employer and employee organization,  
7 16 shall establish an expedited timetable for renegotiating the  
7 17 collective bargaining agreement, including time schedules for  
7 18 fact-finding and arbitration, if necessary.

7 19 Sec. 8. APPLICABILITY. This Act applies to collective  
7 20 bargaining agreements entered into on or after the effective  
7 21 date of this Act.

7 22 EXPLANATION

7 23 This bill relates to public employee collective bargaining  
7 24 agreements.

7 25 The bill provides that a public employee has the right  
7 26 to declare oneself a free agent employee, meaning a public  
7 27 employee who has signed a release declaring that the employee  
7 28 rejects representation by an employee organization and that  
7 29 the employee understands that signing the release waives any  
7 30 claim or right to representation by that organization. The  
7 31 bill specifies that for the purposes of collective bargaining,  
7 32 a bargaining unit only consists of employees in a particular  
7 33 class of employees who have not declared themselves free agent  
7 34 employees.

7 35 The bill excludes certain subjects from the scope of



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8 1 negotiations for public employee collective bargaining  
8 2 agreements, including the terms and source of health insurance  
8 3 or any other insurance, any requirement that a public employer  
8 4 pay more than 70 percent of the cost of a health insurance  
8 5 plan established pursuant to Code chapter 509A which the  
8 6 public employer provides for a public employee and other  
8 7 persons covered through the public employee, restrictions or  
8 8 limitations on outsourcing, and any restriction on the right of  
8 9 a public employer to consider any factor which the employer may  
8 10 lawfully consider in a layoff.

8 11 The bill authorizes the public employment relations board  
8 12 to charge the parties involved in an impasse in negotiations  
8 13 for a collective bargaining agreement a reasonable fee to  
8 14 cover any cost to the board associated with duties relating  
8 15 to establishing minimum qualifications for arbitrators and  
8 16 mediators; establishing procedures for appointing, maintaining,  
8 17 and removing from a list persons representative of the  
8 18 public available to serve as arbitrators and mediators; and  
8 19 establishing compensation rates for arbitrators and mediators,  
8 20 including the training of arbitrators and mediators. The  
8 21 bill specifies that the board cannot establish compensation  
8 22 rates for private mediators. The bill requires the board to  
8 23 appoint a mediator for a public employee collective bargaining  
8 24 agreement from within the board's staff, from the federal  
8 25 mediation and conciliation service, or as otherwise provided  
8 26 by federal law whenever possible. If such an appointment  
8 27 is not possible, the board is required to appoint a private  
8 28 mediator. The bill specifies that all costs associated with  
8 29 the services of a private mediator will be shared equally by  
8 30 the parties. The bill provides that the parties may agree to  
8 31 a maximum compensation rate for a private mediator and to a  
8 32 maximum number of hours for the length of the mediation.

8 33 The bill provides that the final decision of an arbitrator  
8 34 for a public employee collective bargaining agreement is not  
8 35 limited to each party's final offer for each impasse item,



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9 1 but that the final decision must not go beyond the terms of  
9 2 either party's final offer for each impasse item. The bill  
9 3 strikes the requirement of an arbitrator to consider past  
9 4 collective bargaining contracts between the parties including  
9 5 the bargaining that led up to such contracts and to consider  
9 6 the power of the public employer to levy taxes and appropriate  
9 7 funds for the conduct of its operations as factors when  
9 8 rendering a final decision. The bill adds additional factors  
9 9 which an arbitrator must consider, including a comparison of  
9 10 wages, benefits, hours, and conditions of employment of the  
9 11 involved public employees with those of public employees not  
9 12 represented by employment organizations and private=sector  
9 13 employees doing comparable work. The bill requires an  
9 14 arbitrator making that comparison to strive to maintain parity  
9 15 in wages, benefits, hours, and conditions of employment between  
9 16 the public sector and the private sector for comparable types  
9 17 of work. The bill also requires an arbitrator to consider  
9 18 as factors loss of efficiency by the public employer in its  
9 19 ability to carry out any of its functions, an increase in any  
9 20 tax, and a decrease in any service provided by the public  
9 21 employer.

9 22 The bill sets out a procedure for the ratification of  
9 23 collective bargaining agreements for state employees. Prior  
9 24 to an agreement becoming final and binding, the bill provides  
9 25 that an agreement entered into pursuant to the decision of an  
9 26 arbitrator under Code section 20.22 is subject to the enactment  
9 27 of a bill which ratifies the agreement and appropriates  
9 28 funds in an amount necessary to fund the agreement. The  
9 29 agreement remains subject to the provisions of Code section  
9 30 20.17(6) which makes an arbitrator's award invalid if its  
9 31 implementation is inconsistent with a statutory limitation  
9 32 relating to spending or would substantially impair or limit the  
9 33 performance of any statutory duty by the public employer. The  
9 34 bill provides that such a bill must not be enacted if the terms  
9 35 of the collective bargaining agreement cannot be supported by



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10 1 the state budget without new taxation or without decreases in  
10 2 services provided by the state employer. The bill requires  
10 3 that the decision of and notification by an arbitrator of the  
10 4 final terms of a collective bargaining agreement pursuant to  
10 5 Code section 20.22(11) be served on the general assembly.  
10 6 The bill directs the general assembly to consider a bill  
10 7 ratifying the collective bargaining agreement and appropriating  
10 8 funds in an amount necessary to fund the agreement within 30  
10 9 days of receiving notice of the terms of the agreement. The  
10 10 bill provides that if the bill regarding the agreement is  
10 11 enacted, the agreement becomes final and binding. The bill  
10 12 specifies that the agreement does not become effective until  
10 13 the bill regarding the agreement is enacted.  
10 14 The bill provides that if the bill ratifying the collective  
10 15 bargaining agreement and appropriating funds in an amount  
10 16 necessary to fund the agreement fails to be approved by a  
10 17 constitutional majority in either the senate or the house of  
10 18 representatives, the secretary of the senate or the chief  
10 19 clerk of the house, as applicable, must transmit information  
10 20 which the senate or house may direct by resolution regarding  
10 21 reasons why the bill was not approved to the governor and the  
10 22 employee organization representing state employees covered by  
10 23 the proposed agreement within seven days after the bill fails  
10 24 to be approved. The bill directs the governor, if the governor  
10 25 vetoes the bill regarding the agreement or the appropriation  
10 26 therein, or fails to approve the bill at the end of a  
10 27 legislative session, to transmit to the employee organization  
10 28 representing state employees covered by the proposed agreement  
10 29 information regarding reasons why the bill or appropriation was  
10 30 vetoed or the bill was not approved within seven days after  
10 31 the bill or appropriation is vetoed or the bill fails to be  
10 32 approved. The bill directs the applicable public employer,  
10 33 employee organization, and any fact-finder, mediator, or  
10 34 arbitrator, to the extent the reasons are consistent with  
10 35 Code chapter 20, to take into account the reasons for not



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11 1 enacting the bill or the appropriation therein for any further  
11 2 renegotiating of the collective bargaining agreement.  
11 3     The bill directs the public employee relations board  
11 4 to establish, in consultation with the applicable public  
11 5 employer and employee organization, an expedited timetable for  
11 6 renegotiating the collective bargaining agreement, including  
11 7 time schedules for fact-finding and arbitration, if necessary,  
11 8 if the bill ratifying the collective bargaining agreement  
11 9 and appropriating funds in an amount necessary to fund the  
11 10 agreement fails to be enacted.  
11 11     The bill applies to collective bargaining agreements entered  
11 12 into on or after the effective date of the bill.

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**House Study Bill 118**

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL  
BY CHAIRPERSON COWNIE)

**A BILL FOR**

1 An Act relating to filling a vacancy in an elective city  
2 office.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2167HC (1) 84  
sc/nh



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1 1 Section 1. Section 372.13, subsection 2, paragraph a,  
1 2 unnumbered paragraph 1, Code 2011, is amended to read as  
1 3 follows:  
1 4 By appointment by the remaining members of the council,  
1 5 except that if the remaining members do not constitute a quorum  
1 6 of the full membership, paragraph "b" shall be followed. The  
1 7 appointment shall be made within forty days after the vacancy  
1 8 occurs and shall be for the period until the next ~~pending~~  
~~1 9 election as defined in section 69.12, and shall be made within~~  
~~1 10 forty days after the vacancy occurs~~ regular city election,  
1 11 unless there is an intervening special election to fill a  
1 12 vacancy in another elective city office in that city or there  
1 13 is an intervening special election on a city ballot proposition  
1 14 for that city, in which case the office shall be placed on  
1 15 the ballot at such intervening election and the appointee's  
1 16 term of appointment shall be until a successor is elected  
1 17 and qualifies. If the council chooses to proceed under this  
1 18 paragraph, it shall publish notice in the manner prescribed by  
1 19 section 362.3, stating that the council intends to fill the  
1 20 vacancy by appointment but that the electors of the city or  
1 21 ward, as the case may be, have the right to file a petition  
1 22 requiring that the vacancy be filled by a special election.  
1 23 The council may publish notice in advance if an elected  
1 24 official submits a resignation to take effect at a future date.  
1 25 The council may make an appointment to fill the vacancy after  
1 26 the notice is published or after the vacancy occurs, whichever  
1 27 is later. However, if within fourteen days after publication  
1 28 of the notice or within fourteen days after the appointment  
1 29 is made, there is filed with the city clerk a petition which  
1 30 requests a special election to fill the vacancy, an appointment  
1 31 to fill the vacancy is temporary and the council shall call  
1 32 a special election to fill the vacancy permanently, under  
1 33 paragraph "b". The number of signatures of eligible electors of  
1 34 a city for a valid petition shall be determined as follows:

1 35 EXPLANATION



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2 1 This bill makes changes relating to filling a vacancy in an  
2 2 elective city office.  
2 3 The bill specifies that if an appointment is made to  
2 4 fill a vacancy in an elective city office, the term of  
2 5 appointment runs until the next regular city election, unless  
2 6 an intervening special election on a city ballot proposition  
2 7 or to fill another vacancy in an elective city office is held,  
2 8 and, in that case, the vacancy shall be filled at such special  
2 9 election.

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**House Study Bill 119**

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL  
BY CHAIRPERSON COWNIE)

**A BILL FOR**

- 1 An Act relating to voter registration.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2238YC (2) 84  
aw/nh



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1 1 Section 1. Section 48A.9, subsection 1, Code 2011, is  
1 2 amended to read as follows:  
1 3 1. Registration closes at ~~five~~ 5:00 p.m. eleven days  
1 4 before each election except ~~primary and the general elections~~  
~~1 5 election. For primary and the general elections election,~~  
1 6 registration closes at ~~five~~ 5:00 p.m. ten days before the  
1 7 election. An eligible elector may register during the time  
1 8 registration is closed in the elector's precinct but the  
1 9 registration shall not become effective until registration  
1 10 opens again in the elector's precinct, except as otherwise  
1 11 provided in section 48A.7A.

1 12 EXPLANATION

1 13 This bill relates to voter registration.

1 14 The bill provides that voter registration for primary  
1 15 elections shall close at 5:00 p.m. 11 days before the primary.  
1 16 Current law provides that voter registration for both general  
1 17 and primary elections close 10 days before the primary. Voter  
1 18 registration for the general election will remain unchanged by  
1 19 the bill.

LSB 2238YC (2) 84

aw/nh



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## House Study Bill 120

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL  
BY CHAIRPERSON COWNIE)

**A BILL FOR**

1 An Act relating to persons not permitted to return an absentee  
2 voter's ballot.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2499YC (1) 84  
sc/nh



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House Study Bill 120 continued

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1 1 Section 1. Section 53.17, Code 2011, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 5. The person designated by a voter to  
1 4 return a completed absentee ballot may be any person the voter  
1 5 chooses, except that a candidate whose name is on the ballot or  
1 6 an elected official shall not serve as a voter's designee or  
1 7 otherwise return a ballot under this section.

1 8 EXPLANATION

1 9 Current law provides that an absentee voter may designate  
1 10 a person to return the voter's absentee ballot. This bill  
1 11 provides that a candidate whose name is on the ballot or an  
1 12 elected official shall not serve as a voter's designated  
1 13 person.

LSB 2499YC (1) 84

sc/nh



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## House Study Bill 121

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
LOCAL GOVERNMENT BILL  
BY CHAIRPERSON WAGNER)

**A BILL FOR**

1 An Act modifying water service requirements for rural water  
2 providers.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TL5B 2348YC (4) 84  
da/rj





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House Study Bill 121 continued

PAG LIN

1 1 Section 1. Section 357A.2, subsections 3 and 4, Code 2011,  
1 2 are amended to read as follows:

1 3 3. a. Water services, other than water services provided as  
1 4 of April 1, 1987, shall not be provided within two miles of the  
1 5 limits of a city by a rural water district incorporated under  
1 6 this chapter or chapter 504 except as provided in this section.

1 7 b. Water services, other than water services provided as  
1 8 of July 1, 2011, shall not be provided within two miles of  
1 9 the limits a city by a rural water association incorporated  
1 10 under this chapter or chapter 504, except as provided in this  
1 11 section.

1 12 4. A rural water district or rural water association  
1 13 incorporated under this chapter or chapter 504 may give notice  
1 14 of intent to provide water service to a new area within two  
1 15 miles of a city by submitting a water plan to the city. The  
1 16 plan is only required to indicate the area within two miles  
1 17 of the city which the rural water district or rural water  
1 18 association intends to serve. If the city fails to respond  
1 19 to the rural water district's or rural water association's  
1 20 plan within ninety days of receipt of the plan, the rural  
1 21 water district or rural water association may provide service  
1 22 in the area designated in the plan. The city may inform the  
1 23 rural water district or rural water association within ninety  
1 24 days of receipt of the plan that the city requires additional  
1 25 time or information to study the question of providing water  
1 26 service outside the limits of the city. If additional time or  
1 27 information is required, the city shall respond to the rural  
1 28 water district's or rural water association's plan within one  
1 29 hundred eighty days of receipt of the plan. In responding to  
1 30 the plan, the city may waive its right to provide water service  
1 31 within the areas designated for service by the rural water  
1 32 district or rural water association, or the city may reserve  
1 33 the right to provide water service in some or all of the areas  
1 34 which the rural water district or rural water association  
1 35 intends to serve. If the city reserves the right to provide



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House Study Bill 121 continued

2 1 water service within some or all of the areas which the rural  
2 2 water district or rural water association intends to serve, the  
2 3 city shall provide service within four years of receipt of the  
2 4 plan. This section does not preclude a city from providing  
2 5 water service in an area which is annexed by the city.

2 6 EXPLANATION

2 7 This bill amends Code section 357A.2 to restrict both a rural  
2 8 water district and a rural water association from providing  
2 9 water service within two miles of a city. A rural water  
2 10 district or a rural water association that intends to provide  
2 11 such water service is required to notify the city council or  
2 12 the city's utility board.

2 13 The bill identifies both rural water districts and rural  
2 14 water associations. A rural water association is not a  
2 15 district, i.e., organized under Code chapter 357A.

LSB 2348YC (4) 84

da/rj



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## Senate Amendment 3014

PAG LIN

1 1 Amend the amendment, S=3009, to House File 45,  
1 2 as amended, passed, and reprinted by the House, as  
1 3 follows:  
1 4 #1. Page 10, by striking lines 6 through 20.  
1 5 #2. By renumbering as necessary.

JACK HATCH  
S3009.537 (1) 84  
jp/tm



Iowa General Assembly  
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## Senate Amendment 3015

PAG LIN

1 1 Amend the amendment, S=3009, to House File 45,  
1 2 as amended, passed, and reprinted by the House, as  
1 3 follows:  
1 4 #1. Page 2, line 50, by striking <The> and inserting  
1 5 <If the>  
1 6 #2. Page 3, lines 5 and 6, by striking <, on or  
1 7 before April 4, 2011,>  
1 8 #3. Page 3, line 31, after <pool.> by inserting <The  
1 9 department shall continue to be the sole department  
1 10 authorized to operate a pool of passenger vehicles as  
1 11 provided under this section until a date specified  
1 12 in a later enactment, or the end date of the period,  
1 13 whichever is later.>  
1 14 #4. Page 12, line 5, after <assistance> by inserting  
1 15 <, an employee, or a student>  
1 16 #5. Page 12, line 18, after <appropriated.> by  
1 17 inserting <"Funding source" does not include federal  
1 18 moneys or grants received by an agency.>  
1 19 #6. Page 12, line 28, before <funds> by inserting  
1 20 <state>  
1 21 #7. Page 13, line 4, after <applications.> by  
1 22 inserting <In gathering or receiving information  
1 23 from agencies, the director shall make a good faith  
1 24 effort to minimize the costs and disruptions to other  
1 25 agencies and their computer systems of providing such  
1 26 information.>  
1 27 #8. Page 13, line 8, after <agency> by inserting  
1 28 <, except the institutions under the state board of  
1 29 regents,>  
1 30 #9. Page 13, after line 28 by inserting:  
1 31 <2A. For purposes of complying with this section,  
1 32 the institutions under the state board of regents, for  
1 33 each budgeted department, program, or activity, shall  
1 34 provide the following:  
1 35 a. The funding source and the amount of state funds  
1 36 received by the institutions.  
1 37 b. The amount of state funds expended by the  
1 38 institutions.  
1 39 c. The names of the entities or recipients  
1 40 receiving state funds from the institutions.  
1 41 d. The amounts paid to the entities or recipients  
1 42 named in paragraph "c".  
1 43 e. A description of the department, program,  
1 44 or activity involved, including, to the extent  
1 45 practicable, the descriptive purpose and expected  
1 46 performance outcome of each budget program or activity.  
1 47 f. Past performance outcomes of the budget program  
1 48 or activity.  
1 49 g. State audit or report relating to the budget  
1 50 program or activity.



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Senate Amendment 3015 continued

2 1 h. Other information as the institutions may deem  
2 2 appropriate for a budget program or activity.>  
2 3 #10. Page 14, by striking lines 9 through 11 and  
2 4 inserting <under section 423.3. The estimated cost to  
2 5 the state shall include the amount of exempt sales by  
2 6 business type for each county. This paragraph does  
2 7 not>  
2 8 #11. Page 14, by striking lines 18 through 21.  
2 9 #12. Page 15, by striking lines 39 through 46.  
2 10 #13. Page 16, after line 5 by inserting:  
2 11 <Sec. \_\_\_\_\_. Section 422.20, subsection 3, paragraph  
2 12 a, Code 2011, is amended to read as follows:  
2 13 a. Unless otherwise expressly permitted by section  
2 14 8A.504, section 8G.4, section 96.11, subsection 6,  
2 15 section 421.17, subsections 22, 23, and 26, subsection  
2 16 27, paragraph "k", and subsection 31, section 252B.9,  
2 17 section 321.40, subsection 6, sections 321.120, 421.19,  
2 18 421.28, 422.72, and 452A.63, and this section, a tax  
2 19 return, return information, or investigative or audit  
2 20 information shall not be divulged to any person or  
2 21 entity, other than the taxpayer, the department, or  
2 22 internal revenue service for use in a matter unrelated  
2 23 to tax administration.  
2 24 Sec. \_\_\_\_\_. Section 422.72, subsection 3, paragraph  
2 25 a, Code 2011, is amended to read as follows:  
2 26 a. Unless otherwise expressly permitted by section  
2 27 8A.504, section 8G.4, section 96.11, subsection 6,  
2 28 section 421.17, subsections 22, 23, and 26, subsection  
2 29 27, paragraph "k", and subsection 31, section 252B.9,  
2 30 section 321.40, subsection 6, sections 321.120, 421.19,  
2 31 421.28, 422.20, and 452A.63, and this section, a tax  
2 32 return, return information, or investigative or audit  
2 33 information shall not be divulged to any person or  
2 34 entity, other than the taxpayer, the department, or  
2 35 internal revenue service for use in a matter unrelated  
2 36 to tax administration.>  
2 37 #14. By renumbering as necessary.

JEFF DANIELSON  
S3009.538 (5) 84  
tw/jp



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## Senate Amendment 3016

PAG LIN

1 1 Amend the amendment, S=3009, to House File 45,  
1 2 as amended, passed, and reprinted by the House, as  
1 3 follows:  
1 4 #1. Page 4, after line 44 by inserting:  
1 5 <Sec. \_\_\_\_\_. Section 262.9, subsection 19, Code 2011,  
1 6 is amended by adding the following new paragraph:  
1 7 NEW PARAGRAPH. c. Limit any increase in tuition,  
1 8 fees, and other charges at the institutions of higher  
1 9 education under its control during a school year to not  
1 10 more than an amount equivalent to the increase in the  
1 11 most recently issued higher education price index.>  
1 12 #2. Page 5, after line 35 by inserting:  
1 13 <Sec. \_\_\_\_\_. APPLICABILITY ==== LEGISLATIVE INTENT.  
1 14 1. The section of this division of this Act  
1 15 amending section 262.9 applies to an increase in  
1 16 tuition, fees, and other charges on or after January 1,  
1 17 2011, and applies retroactively to that date.  
1 18 2. It is the intent of the general assembly that if  
1 19 staff reductions are necessary to implement the section  
1 20 of this division of this Act amending section 262.9,  
1 21 such reductions shall be applied to administrative  
1 22 staff before being applied to instructional, health  
1 23 care, or other staff that provide instruction or  
1 24 services directly to students, patients, or consumers.>  
1 25 #3. By renumbering as necessary.

NANCY J. BOETTGER

S3009.451 (2) 84  
jp/tm



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## Senate Amendment 3017

PAG LIN

1 1 Amend the amendment, S=3009, to House File 45,  
1 2 as amended, passed, and reprinted by the House, as  
1 3 follows:  
1 4 #1. Page 6, after line 28 by inserting:  
1 5 <FAMILY PLANNING WAIVER  
1 6 Sec. \_\_\_\_\_. 2010 Iowa Acts, chapter 1192, section 11,  
1 7 subsection 24, is amended to read as follows:  
1 8 24. a. The department of human services shall  
1 9 amend the medical assistance waiver for the Iowa family  
1 10 planning network to continue the current waiver with  
1 11 the following modifications, to be effective ~~July 1,~~  
~~1 12 2011~~ as soon as federal approval can be obtained, which  
1 13 provide for all of the following:  
1 14 (1) Coverage for women who meet all of the  
1 15 following criteria:  
1 16 (a) Are uninsured ~~or have health insurance coverage~~  
~~1 17 that does not include coverage for benefits provided~~  
~~1 18 under the Iowa family planning network.~~  
1 19 (b) Have income of up to ~~300~~ 133 percent of the  
1 20 federal poverty level.  
1 21 (c) Are under ~~55~~ 45 years of age.  
1 22 ~~(2) Coverage of pregnancy prevention services for~~  
~~1 23 men who meet the income, age, and insurance coverage~~  
~~1 24 specifications described in subparagraph (1).~~  
1 25 b. Implementation of this subsection is contingent  
1 26 upon approval of the medical assistance waiver for  
1 27 the Iowa family planning network by the centers for  
1 28 Medicare and Medicaid services of the United States  
1 29 department of health and human services and upon  
1 30 availability of funding as determined by the director  
1 31 of the department of human services.  
1 32 c. Of the funds appropriated in this section,  
1 33 \$25,000 shall be used for administrative costs for  
1 34 renewal and modification of the Iowa family planning  
1 35 network waivers as provided in this subsection.>  
1 36 #2. By renumbering as necessary.

DAVID JOHNSON



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## Senate Amendment 3018

PAG LIN

1 1 Amend the amendment, S=3009, to House File 45,  
1 2 as amended, passed, and reprinted by the House, as  
1 3 follows:  
1 4 #1. Page 16, before line 6 by inserting:  
1 5 <DIVISION \_\_\_\_  
1 6 COMMUNITY ATTRACTION AND TOURISM ==== RIVER  
1 7 ENHANCEMENT COMMUNITY ATTRACTION AND TOURISM  
1 8 Sec. \_\_\_\_\_. REPEAL. Sections 15F.201, 15F.202,  
1 9 15F.203, 15F.204, 15F.205, and 15F.206, Code 2011, are  
1 10 repealed.  
1 11 Sec. \_\_\_\_\_. CODE EDITOR DIRECTIVE. The Code editor  
1 12 shall remove references in the Code to the community  
1 13 attraction and tourism fund, the community attraction  
1 14 and tourism program, the river enhancement community  
1 15 attraction and tourism projects, the application review  
1 16 for the program and projects, the river enhancement  
1 17 community attraction and tourism fund, and the Code  
1 18 sections repealed by this division of this Act that  
1 19 reference the funds, program, projects, and review for  
1 20 the program and projects.  
1 21 Sec. \_\_\_\_\_. BALANCES. Moneys in or credited to the  
1 22 community attraction and tourism fund and the river  
1 23 enhancement community attraction and tourism fund on or  
1 24 after July 1, 2011, shall be transferred to the general  
1 25 fund of the state.>  
1 26 #2. By renumbering as necessary.

RANDY FEENSTRA

S3009.507 (3) 84  
jp/tm



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Senate Amendment 3019

PAG LIN

1 1 Amend the amendment, S=3009, to House File 45,  
1 2 as amended, passed, and reprinted by the House, as  
1 3 follows:

1 4 #1. Page 6, after line 28 by inserting:

1 5 <ADDICTIVE DISORDERS

1 6 Sec. \_\_\_\_\_. 2010 Iowa Acts, chapter 1192, section 2,  
1 7 subsection 1, unnumbered paragraph 1, is amended to  
1 8 read as follows:

1 9 For reducing the prevalence of use of tobacco,  
1 10 alcohol, and other drugs, and treating individuals  
1 11 affected by addictive behaviors, including gambling,  
1 12 and for not more than the following full-time  
1 13 equivalent positions:

1 14 .....	\$ <del>28,974,840</del>
1 15 .....	28,376,004
1 16 .....	FTEs 18.00

1 17 Sec. \_\_\_\_\_. 2010 Iowa Acts, chapter 1192, section  
1 18 2, subsection 1, paragraph a, is amended to read as  
1 19 follows:

1 20 a. Of the funds appropriated in this subsection,  
1 21 ~~\$7,438,282~~ \$6,839,446 shall be used for the tobacco use  
1 22 prevention and control initiative, including efforts  
1 23 at the state and local levels, as provided in chapter  
1 24 142A.

1 25 (1) The director of public health shall dedicate  
1 26 sufficient resources to promote and ensure retailer  
1 27 compliance with tobacco laws and ordinances relating to  
1 28 persons under 18 years of age, and shall prioritize the  
1 29 state's compliance in the allocation of available funds  
1 30 to comply with 42 U.S.C. { 300x=26 and section 453A.2.

1 31 (2) Of the full-time equivalent positions  
1 32 authorized in this subsection, 2.00 full-time  
1 33 equivalent positions shall be utilized to provide  
1 34 for enforcement of tobacco laws, regulations, and  
1 35 ordinances.

1 36 (3) Of the funds allocated in this lettered  
1 37 paragraph, ~~\$1,796,508~~ \$1,197,672 shall be used for  
1 38 youth programs designed to achieve the goals of the  
1 39 initiative, that are directed by youth participants for  
1 40 youth pursuant to section 142A.9.

1 41 (4) For the period beginning on the effective date  
1 42 of this subparagraph through the close of the fiscal  
1 43 year ending on June 30, 2011, except for activities  
1 44 provided during the period through a contract or  
1 45 other legally binding obligation entered into prior to  
1 46 the period that cannot be canceled without penalty,  
1 47 the department shall cancel smoking cessation and  
1 48 prevention efforts funded in whole or in part under  
1 49 this paragraph "a". The efforts subject to this  
1 50 subparagraph shall include but are not limited to the



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Senate Amendment 3019 continued

2 1 just eliminate lies initiative and other expenditures  
2 2 relating to the youth programs addressed in  
2 3 subparagraph (3) and the quitline Iowa initiative. The  
2 4 department of human services shall revise eligibility  
2 5 provisions for smoking cessation medications and  
2 6 related services under the medical assistance program  
2 7 to replace the requirements for referral by the  
2 8 quitline Iowa initiative with a requirement for a  
2 9 physician prescription or referral or other suitable  
2 10 requirement. The joint appropriations subcommittee  
2 11 on health and human services, in consultation with  
2 12 the standing committees on human resources of the  
2 13 senate and house of representatives, shall recommend  
2 14 legislation to revise the youth programs addressed by  
2 15 subparagraph (3) effective July 1, 2011, in order to  
2 16 eliminate unnecessary, wasteful expenditures.>  
2 17 #2. By renumbering as necessary.

STEVE KETTERING

S3009.440 (4) 84  
jp/tm



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Senate Amendment 3020

PAG LIN

1 1 Amend the amendment, S=3009, to House File 45,  
1 2 as amended, passed, and reprinted by the House, as  
1 3 follows:  
1 4 #1. Page 1, after line 4 by inserting:  
1 5 <DIVISION I  
1 6 TAX RELIEF FUND  
1 7 Section 1. Section 8.55, subsection 2, Code 2011,  
1 8 is amended to read as follows:  
1 9 2. a. The maximum balance of the fund is the  
1 10 amount equal to two and one-half percent of the  
1 11 adjusted revenue estimate for the fiscal year. If the  
1 12 amount of moneys in the Iowa economic emergency fund is  
1 13 equal to the maximum balance, moneys in excess of this  
1 14 amount shall be transferred to the ~~general~~ tax relief  
1 15 fund.  
1 16 b. Notwithstanding paragraph "a", any moneys  
1 17 in excess of the maximum balance in the economic  
1 18 emergency fund after the distribution of the surplus  
1 19 in the general fund of the state at the conclusion  
1 20 of each fiscal year shall not be transferred to the  
1 21 ~~general tax relief fund of the state~~ but shall be  
1 22 transferred to the senior living trust fund. The  
1 23 total amount appropriated, reverted, or transferred,  
1 24 in the aggregate, under this paragraph, section  
1 25 8.57, subsection 2, and any other law providing  
1 26 for an appropriation or reversion or transfer of an  
1 27 appropriation to the credit of the senior living trust  
1 28 fund, for all fiscal years beginning on or after July  
1 29 1, 2004, shall not exceed the amount specified in  
1 30 section 8.57, subsection 2, paragraph "c".  
1 31 Sec. 2. NEW SECTION. 8.57E Tax relief fund.  
1 32 1. The tax relief fund is created. The fund shall  
1 33 be separate from the general fund of the state and  
1 34 the balance in the fund shall not be considered part  
1 35 of the balance of the general fund of the state. The  
1 36 moneys credited to the fund are not subject to section  
1 37 8.33 and shall not be transferred, used, obligated,  
1 38 appropriated, or otherwise encumbered except as  
1 39 provided in this section.  
1 40 2. Moneys in the tax relief fund shall only be  
1 41 used as pursuant to appropriations made by the general  
1 42 assembly to reduce taxes.  
1 43 3. a. Moneys in the fund may be used for cash flow  
1 44 purposes during a fiscal year provided that any moneys  
1 45 so allocated are returned to the fund by the end of  
1 46 that fiscal year.  
1 47 b. Except as provided in section 8.58, the tax  
1 48 relief fund shall be considered a special account for  
1 49 the purposes of section 8.53 in determining the cash  
1 50 position of the general fund of the state for the



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Senate Amendment 3020 continued

2 1 payment of state obligations.  
2 2 4. Notwithstanding section 12C.7, subsection 2,  
2 3 interest or earnings on moneys deposited in the tax  
2 4 relief fund shall be credited to the fund.  
2 5 Sec. 3. Section 8.58, Code 2011, is amended to read  
2 6 as follows:  
2 7 8.58 Exemption from automatic application.  
2 8 1. To the extent that moneys appropriated under  
2 9 section 8.57 do not result in moneys being credited  
2 10 to the general fund under section 8.55, subsection  
2 11 2, moneys appropriated under section 8.57 and moneys  
2 12 contained in the cash reserve fund, rebuild Iowa  
2 13 infrastructure fund, environment first fund, ~~and~~ Iowa  
2 14 economic emergency fund, and tax relief fund shall not  
2 15 be considered in the application of any formula, index,  
2 16 or other statutory triggering mechanism which would  
2 17 affect appropriations, payments, or taxation rates,  
2 18 contrary provisions of the Code notwithstanding.  
2 19 2. To the extent that moneys appropriated under  
2 20 section 8.57 do not result in moneys being credited  
2 21 to the general fund under section 8.55, subsection  
2 22 2, moneys appropriated under section 8.57 and moneys  
2 23 contained in the cash reserve fund, rebuild Iowa  
2 24 infrastructure fund, environment first fund, ~~and~~ Iowa  
2 25 economic emergency fund, and tax relief fund shall not  
2 26 be considered by an arbitrator or in negotiations under  
2 27 chapter 20.  
2 28 Sec. 4. TAX RELIEF FUND ==== LEGISLATIVE INTENT. It  
2 29 is the intent of the general assembly to enact  
2 30 appropriations from the tax relief fund created by  
2 31 this division of this Act pursuant to tax relief  
2 32 legislation which shall be proposed by the standing  
2 33 committees on ways and means of the senate and house  
2 34 of representatives.  
2 35 Sec. 5. EFFECTIVE DATE AND APPLICABILITY.  
2 36 1. This division of this Act, being deemed of  
2 37 immediate importance, takes effect upon enactment.  
2 38 2. The amendment in this division to section  
2 39 8.55, providing for transfer of moneys from the Iowa  
2 40 economic emergency fund to the tax relief fund instead  
2 41 of the general fund of the state applies to transfers  
2 42 made from the Iowa economic emergency fund after  
2 43 the effective date of this division and the state  
2 44 general fund expenditure limitation calculated for the  
2 45 fiscal year beginning July 1, 2011, shall be adjusted  
2 46 accordingly.>  
2 47 #2. By renumbering as necessary.

BILL ANDERSON



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S3009.431 (3) 84  
jp/tm



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## Senate Amendment 3021

PAG LIN

1 1 Amend the amendment, S=3009, to House File 45,  
1 2 as amended, passed, and reprinted by the House, as  
1 3 follows:  
1 4 #1. Page 5, after line 32 by inserting:  
1 5 <Sec. \_\_\_\_\_. SCHOOL DISTRICT PROPERTY TAX RELIEF  
1 6 SUPPLEMENT ==== APPROPRIATION.  
1 7 1. There is appropriated from the general fund  
1 8 of the state to the department of management, for  
1 9 the fiscal year beginning July 1, 2011, an amount  
1 10 sufficient to pay the school district property tax  
1 11 relief supplements under this section. Payments under  
1 12 this section shall be paid in the manner provided in  
1 13 section 257.16.  
1 14 2. The department of management shall determine all  
1 15 of the following for each school district within the  
1 16 state:  
1 17 a. The total amount of revenue generated for the  
1 18 base year by the school district's foundation property  
1 19 tax levy and the school district's additional property  
1 20 tax levy, taking into account amounts allocated to the  
1 21 school district pursuant to section 257.15.  
1 22 b. The total amount of revenue to be generated for  
1 23 the budget year by the school district's foundation  
1 24 property tax levy and the school district's additional  
1 25 property tax levy, taking into account amounts to be  
1 26 allocated to the school district pursuant to section  
1 27 257.15.  
1 28 c. The remainder of the amount determined under  
1 29 paragraph "b" after subtracting the amount determined  
1 30 in paragraph "a".  
1 31 3. Each school district that has a remainder  
1 32 determined under subsection 2, paragraph "c" that  
1 33 is greater than zero shall receive a property tax  
1 34 relief supplement in an amount equal to the remainder  
1 35 determined under paragraph "c". The department of  
1 36 management shall notify each school district of the  
1 37 amount of the property tax relief supplement.  
1 38 4. School districts that receive a property tax  
1 39 relief supplement under this section shall not levy  
1 40 property taxes for the amount of the property tax  
1 41 relief supplement received.  
1 42 5. Property tax relief supplement payments received  
1 43 by a school district under this section may be used for  
1 44 any purpose for which such amounts may be used if such  
1 45 moneys were generated through property taxes.  
1 46 6. This section applies to the budget year  
1 47 beginning July 1, 2011.>  
1 48 #2. By renumbering as necessary.

JACK WHITVER



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S3009.456 (2) 84  
jp/tm





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## Senate Amendment 3022

PAG LIN

1 1 Amend the amendment, S=3009, to House File 45,  
1 2 as amended, passed, and reprinted by the House, as  
1 3 follows:  
1 4 #1. Page 4, after line 29 by inserting:  
1 5 <Sec. \_\_\_\_\_. 2010 Iowa Acts, chapter 1184, section  
1 6 43, is amended to read as follows:  
1 7 SEC. 43. SAVE OUR SMALL BUSINESSES FUND  
1 8 APPROPRIATION.  
1 9 1. There is appropriated from the school  
1 10 infrastructure fund created in section 12.82 to the  
1 11 department of economic development for deposit in the  
1 12 save our small businesses fund for the fiscal year  
1 13 beginning July 1, 2010, and ending June 30, 2011, the  
1 14 following amount, or so much thereof as is necessary,  
1 15 to be used for the purposes designated:  
1 16 For purposes of providing financial assistance under  
1 17 the save our small businesses program under section  
1 18 15.301:  
1 19 ..... \$ 5,000,000  
1 20 Of the moneys appropriated pursuant to this section,  
1 21 the department may allocate an amount not to exceed  
1 22 two percent of the moneys appropriated for purposes of  
1 23 retaining the services of an organization designated  
1 24 pursuant to section 15.301, subsection 2, paragraph  
1 25 "b".  
1 26 2. On the effective date of this section of this  
1 27 2011 Iowa Act, any unobligated and unencumbered moneys  
1 28 appropriated in this section shall revert to the school  
1 29 infrastructure fund.>  
1 30 #2. Page 4, after line 37 by inserting:  
1 31 <Sec. \_\_\_\_\_. REPEAL. Sections 15.300 and 15.301,  
1 32 Code 2011, are repealed.  
1 33 Sec. \_\_\_\_\_. LOANS ==== CONTINUED EFFECT. Loans awarded  
1 34 from the save our small business fund pursuant to  
1 35 section 15.301, prior to the effective date of this  
1 36 section, shall continue as provided by the terms of the  
1 37 loans and shall be administered by the department of  
1 38 economic development.>  
1 39 #3. Page 4, after line 39 by inserting:  
1 40 <Sec. \_\_\_\_\_. GREAT PLACES PROGRAM.  
1 41 1. For the period beginning on the effective  
1 42 date of this section through the close of the fiscal  
1 43 year ending on June 30, 2011, the department of  
1 44 cultural affairs shall be subject to a limitation on  
1 45 expenditures made on or after the effective date of  
1 46 this section for purposes of the great places program  
1 47 in accordance with this section.  
1 48 2. The limitation shall be equal to any expended or  
1 49 encumbered amount that the department has budgeted or  
1 50 otherwise designated for purposes of the great places



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1 program, from the appropriations made for the fiscal  
2 year beginning July 1, 2010, and ending June 30, 2011,  
3 to the department from all sources, as of the effective  
4 date of this section. Any great places program grant  
5 contract entered into prior to the effective date of  
6 this section shall continue as provided by the terms  
7 of the contract.>  
8 #4. Page 9, after line 18 by inserting:  
9  
10 <DIVISION \_\_\_\_\_  
11 POWER FUND ===== OFFICE OF ENERGY INDEPENDENCE  
12 Sec. \_\_\_\_\_. REPEAL. Sections 469.9 and 469.10, Code  
13 2011, are repealed.  
14 Sec. \_\_\_\_\_. REPEAL. Sections 469.1, 469.2, 469.3,  
15 469.4, 469.5, 469.6, 469.7, 469.8, and 469.11, Code  
16 2011, are repealed.  
17 Sec. \_\_\_\_\_. TRANSITION PROVISIONS ===== DEPARTMENTAL  
18 AUTHORITY. Beginning on the effective date of this  
19 section, the department of economic development shall  
20 assume the duties of the office of energy independence  
21 until otherwise determined by the general assembly.  
22 During the 2011 session of the Eighty-fourth General  
23 Assembly, the joint appropriations subcommittee on  
24 economic development shall include Code provisions  
25 relating to the repeal of chapter 469 and the transfer  
26 of departmental authority from the office of energy  
27 independence to another state entity in a proposed  
28 committee on appropriations bill.  
29 Sec. \_\_\_\_\_. TRANSITION PROVISIONS ===== CONTINUATION OF  
30 GRANTS.  
31 1. Any moneys remaining in any account or fund  
32 under the control of the office of energy independence  
33 on the effective date of this division relative to the  
34 provisions of this division shall be transferred to a  
35 comparable fund or account under the control of the  
36 department of economic development for such purposes,  
37 until otherwise determined by the general assembly.  
38 Notwithstanding section 8.33, the moneys transferred in  
39 accordance with this subsection shall not revert to the  
40 account or fund from which appropriated or transferred.  
41 2. Any license, permit, or contract issued or  
42 entered into by the office of energy independence  
43 relative to the provisions of this division in effect  
44 on the effective date of this division shall continue  
45 in full force and effect pending transfer of such  
46 licenses, permits, or contracts to the department of  
47 economic development, until otherwise determined by the  
48 general assembly.  
49 3. Grants or loans awarded from the Iowa power fund  
50 pursuant to section 469.9 prior to the effective date  
of this division shall continue as provided by the



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3 1 terms of the grants or loans and shall be administered  
3 2 by the department of economic development, until  
3 3 otherwise determined by the general assembly.

3 4 4. Federal funds utilized by the director of the  
3 5 office of energy independence prior to the effective  
3 6 date of this division to employ personnel necessary  
3 7 to administer the provisions of this division shall  
3 8 be applicable to the transfer of such personnel from  
3 9 the office of energy independence to the department  
3 10 of economic development, or other state agency as  
3 11 determined by the general assembly.

3 12 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. Except for  
3 13 the section of this division repealing sections 469.9  
3 14 and 469.10, which shall take effect July 1, 2011,  
3 15 this division of this Act, being deemed of immediate  
3 16 importance, takes effect upon enactment.>

3 17 #5. Page 16, after line 5 by inserting:

3 18 <DIVISION \_\_\_\_

3 19 GROW IOWA VALUES FUND AND PROGRAM

3 20 Sec. \_\_\_\_\_. Section 15.103, subsection 6, Code 2011,  
3 21 is amended to read as follows:

3 22 6. As part of the organizational structure of the  
3 23 department, the board shall establish a due diligence  
3 24 committee and a loan and credit guarantee committee  
3 25 composed of members of the board. The committees shall  
3 26 serve in an advisory capacity to the board and shall  
3 27 carry out any duties assigned by the board in relation  
3 28 to programs administered by the department. The loan  
3 29 and credit guarantee committee shall advise the board  
3 30 on the winding up of loan guarantees made under the  
3 31 loan and credit guarantee program established pursuant  
3 32 to section 15E.224, Code 2009, and on the proper  
~~3 33 amount of the allocation described in section 15G.111,~~  
~~3 34 subsection 4, paragraph "g".~~

3 35 Sec. \_\_\_\_\_. Section 15.104, subsection 1, Code 2011,  
3 36 is amended by striking the subsection.

3 37 Sec. \_\_\_\_\_. Section 15.104, subsection 8, paragraphs  
3 38 b and i, Code 2011, are amended by striking the  
3 39 paragraphs.

3 40 Sec. \_\_\_\_\_. Section 15.104, subsection 8, paragraph  
3 41 j, Code 2011, is amended to read as follows:

3 42 j. Renewable fuel programs. A detailed accounting  
3 43 of expenditures in support of renewable fuel  
3 44 infrastructure programs, as provided in sections  
3 45 15G.203 and 15G.204. ~~The renewable fuel infrastructure~~  
~~3 46 board established in section 15G.202 shall approve that~~  
~~3 47 portion of the department's annual report regarding~~  
~~3 48 projects supported from the grow Iowa values fund~~  
~~3 49 created in section 15G.111. This paragraph is repealed~~  
3 50 on July 1, 2012.



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4 1       Sec. \_\_\_\_\_. Section 15.327, Code 2011, is amended by  
4 2 adding the following new subsections:  
4 3       NEW SUBSECTION. 01. "Base employment level" means  
4 4 the number of full-time equivalent positions at a  
4 5 business, as established by the department and a  
4 6 business using the business's payroll records, as of  
4 7 the date a business applies for financial assistance  
4 8 under the program.  
4 9       NEW SUBSECTION. 3A. "County wage" means the  
4 10 average hourly compensation rates, excluding the value  
4 11 of nonwage benefits for comparable jobs, from the most  
4 12 recent four quarters of wage and employment information  
4 13 from the quarterly covered wage and employment  
4 14 data report issued by the department of workforce  
4 15 development.  
4 16       NEW SUBSECTION. 7A. "Full-time equivalent position"  
4 17 means a non-part-time position for the number of hours  
4 18 or days per week considered to be full-time work for  
4 19 the kind of service or work performed for an employer.  
4 20 Typically, a full-time equivalent position requires  
4 21 two thousand eighty hours of work in a calendar year,  
4 22 including all paid holidays, vacations, sick time, and  
4 23 other paid leave.  
4 24       NEW SUBSECTION. 7B. "Maintenance period" means the  
4 25 period of time between the project completion date and  
4 26 maintenance period completion date.  
4 27       NEW SUBSECTION. 12A. "Regional wage" means the  
4 28 average hourly compensation rates, excluding the value  
4 29 of nonwage benefits for comparable jobs, from the most  
4 30 recent four quarters of wage and employment information  
4 31 from the quarterly covered wage and employment  
4 32 data report issued by the department of workforce  
4 33 development.  
4 34       Sec. \_\_\_\_\_. Section 15.327, subsections 1, 4, 7, 8,  
4 35 10, 12, and 13, Code 2011, are amended by striking  
4 36 the subsections and inserting in lieu thereof the  
4 37 following:  
4 38       1. "Benefit" means nonwage compensation provided  
4 39 to an employee. Benefits typically include medical  
4 40 and dental insurance plans, pension, retirement,  
4 41 and profit-sharing plans, child care services,  
4 42 life insurance coverage, vision insurance coverage,  
4 43 disability insurance coverage, and any other nonwage  
4 44 compensation as determined by the board.  
4 45       4. "Created job" means a new, permanent, full-time  
4 46 equivalent position added to a business's payroll in  
4 47 excess of the business's base employment level.  
4 48       7. "Fiscal impact ratio" means a ratio calculated  
4 49 by estimating the amount of taxes to be received from  
4 50 a business by the state and dividing the estimate by



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5 1 the estimated cost to the state of providing certain  
5 2 financial incentives to the business, reflecting  
5 3 a ten=year period of taxation and incentives and  
5 4 expressed in terms of current dollars. For purposes  
5 5 of the program, "fiscal impact ratio" does not include  
5 6 taxes received by political subdivisions.

5 7 8. "Maintenance period completion date" means the  
5 8 date on which the maintenance period ends.

5 9 10. "Project completion date" means the date by  
5 10 which a recipient of financial assistance has agreed  
5 11 to meet all the terms and obligations contained in an  
5 12 agreement with the department as described in section  
5 13 15.330.

5 14 12. "Qualifying wage threshold" means the county  
5 15 wage or the regional wage, as calculated pursuant to  
5 16 subsections 3A and 12A, whichever is lower.

5 17 13. "Retained job" means a full=time equivalent  
5 18 position, in existence at the time an employer applies  
5 19 for financial assistance which remains continuously  
5 20 filled or authorized to be filled as soon as possible  
5 21 and which is at risk of elimination if the project  
5 22 for which the employer is seeking assistance does not  
5 23 proceed.

5 24 Sec. \_\_\_\_\_. Section 15.329, subsection 2, Code 2011,  
5 25 is amended to read as follows:

5 26 2. A business providing a sufficient package of  
5 27 benefits to each employee holding a created or retained  
5 28 job shall qualify for a credit against the qualifying  
5 29 wage threshold requirements described in subsection  
5 30 1, paragraph "c". The credit shall be calculated and  
5 31 applied in the following manner: ~~described in section~~

~~5 32 15C.112, subsection 4, paragraph "b".~~

5 33 a. By multiplying the qualifying wage threshold of  
5 34 the county in which the business is located by one and  
5 35 three=tenths.

5 36 b. By multiplying the result of paragraph "a" by  
5 37 one=tenth.

5 38 c. The amount of the result of paragraph "b" shall  
5 39 be credited against the amount of the one hundred  
5 40 thirty percent qualifying wage threshold requirement  
5 41 that the business is required to meet under subsection  
5 42 1, paragraph "c".

5 43 d. The credit shall not be applied against the  
5 44 one hundred percent of qualifying wage threshold  
5 45 requirement described in subsection 1, paragraph "c".

5 46 Sec. \_\_\_\_\_. Section 15.330, subsection 4, Code 2011,  
5 47 is amended to read as follows:

5 48 4. A project completion date, a maintenance period  
5 49 completion date, the number of jobs to be created  
5 50 or retained, or certain other terms and obligations



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6 1 described in ~~section 15C.112, subsection 1, paragraph~~  
6 2 ~~"d" an agreement~~, as the department deems necessary in  
6 3 order to make the requirements in project agreements  
6 4 uniform. The department, with the approval of  
6 5 the board, may adopt rules as necessary for making  
6 6 such requirements uniform. Such rules shall be in  
6 7 compliance with the provisions of this part ~~and with~~  
6 8 ~~the provisions of chapter 15C.~~  
6 9 Sec. \_\_\_\_\_. Section 15.335A, subsection 1, unnumbered  
6 10 paragraph 1, Code 2011, is amended to read as follows:  
6 11 Tax incentives are available to eligible businesses  
6 12 as provided in this section. The incentives are based  
6 13 upon the number of jobs created or retained that pay  
6 14 at least one hundred thirty percent of the qualifying  
6 15 wage threshold as computed pursuant to section  
6 16 ~~15C.112~~ 15.329, subsection 4 1, and the amount of the  
6 17 qualifying investment made according to the following  
6 18 schedule:  
6 19 Sec. \_\_\_\_\_. Section 15.335A, subsection 2, paragraphs  
6 20 b, c, f, and g, Code 2011, are amended by striking the  
6 21 paragraphs.  
6 22 Sec. \_\_\_\_\_. Section 15.335A, subsection 5, Code 2011,  
6 23 is amended to read as follows:  
6 24 5. The department shall negotiate the amount of tax  
6 25 incentives provided to an applicant under the program  
6 26 in accordance with this section ~~and section 15C.112, as~~  
6 27 ~~applicable.~~  
6 28 Sec. \_\_\_\_\_. Section 15A.7, subsection 3, Code 2011,  
6 29 is amended to read as follows:  
6 30 3. That the employer shall agree to pay wages for  
6 31 the jobs for which the credit is taken of at least the  
6 32 county wage or the regional wage, as calculated ~~by the~~  
6 33 ~~department pursuant to section 15C.112, subsection 3~~  
6 34 ~~15.327, subsections 3A and 12A, whichever is lower.~~  
6 35 Eligibility for the supplemental credit shall be based  
6 36 on a one-time determination of starting wages by the  
6 37 community college.  
6 38 Sec. \_\_\_\_\_. Section 15E.193, subsection 1, paragraphs  
6 39 b through d, Code 2011, are amended to read as follows:  
6 40 b. (1) The business shall provide a sufficient  
6 41 package of benefits to each employee holding a created  
6 42 or retained job. For purposes of this paragraph,  
6 43 "created job" and "retained job" have the same meaning  
6 44 as defined in section ~~15C.101~~ 15.327.  
6 45 (2) The board, upon the recommendation of the  
6 46 department, shall adopt rules determining what  
6 47 constitutes a sufficient package of benefits.  
6 48 c. The business shall pay a wage that is at least  
6 49 ninety percent of the qualifying wage threshold. For  
6 50 purposes of this paragraph, "qualifying wage threshold"



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7 1 has the same meaning as defined in section ~~15C.101~~  
~~7 2 15.327.~~  
7 3 d. Creates or retains at least ten full-time  
7 4 equivalent positions and maintains them until the  
7 5 maintenance period completion date. For purposes of  
7 6 this paragraph, "maintenance period completion date" and  
7 7 "full-time equivalent position" have the same meanings  
7 8 as defined in section ~~15C.101~~ 15.327.  
7 9 Sec. \_\_\_\_\_. Section 15E.231, unnumbered paragraph 1,  
7 10 Code 2011, is amended to read as follows:  
7 11 ~~In order for an~~ An economic development region ~~to~~  
~~7 12 receive moneys under the grow Iowa values financial~~  
~~7 13 assistance program established in section 15C.112,~~  
~~7 14 an~~ shall establish a regional development plan. An  
7 15 economic development region's regional development  
7 16 plan must be approved by the department. An economic  
7 17 development region shall consist of not less than  
7 18 three counties, unless two contiguous counties have a  
7 19 combined population of at least three hundred thousand  
7 20 based on the most recent federal decennial census. An  
7 21 economic development region shall establish a focused  
7 22 economic development effort that shall include a  
7 23 regional development plan relating to one or more of  
7 24 the following areas:  
7 25 Sec. \_\_\_\_\_. Section 15E.232, subsections 1, 3, 4,  
7 26 5, 6, and 7, Code 2011, are amended by striking the  
7 27 subsections.  
7 28 Sec. \_\_\_\_\_. Section 15E.351, subsection 1, Code 2011,  
7 29 is amended to read as follows:  
7 30 1. The department shall establish and administer  
7 31 a business accelerator program to provide financial  
7 32 assistance for the establishment and operation of a  
7 33 business accelerator for technology-based, value-added  
7 34 agricultural, information solutions, alternative  
7 35 and renewable energy including the alternative and  
7 36 renewable energy sectors listed in section 476.42,  
7 37 subsection 1, paragraph "a", or advanced manufacturing  
7 38 start-up businesses or for a satellite of an existing  
7 39 business accelerator. The program shall be designed  
7 40 to foster the accelerated growth of new and existing  
7 41 businesses through the provision of technical  
7 42 assistance. ~~The department, subject to the approval of~~  
~~7 43 the economic development board, may provide financial~~  
~~7 44 assistance under this section from moneys allocated~~  
~~7 45 for regional financial assistance pursuant to section~~  
~~7 46 15C.111, subsection 9.~~  
7 47 Sec. \_\_\_\_\_. Section 159A.6B, subsection 2, Code 2011,  
7 48 is amended to read as follows:  
7 49 2. The office may execute contracts in order to  
7 50 provide technical support and outreach services for



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8 1 purposes of assisting and educating interested persons  
8 2 as provided in this section. The office may also  
8 3 contract with a consultant to provide part or all  
8 4 of these services. The office may require that a  
8 5 person receiving assistance pursuant to this section  
8 6 contribute up to fifty percent of the amount required  
8 7 to support the costs of contracting with the consultant  
8 8 to provide assistance to the person. ~~The office~~  
~~8 9 shall assist the person in completing any technical~~  
~~8 10 information required in order to receive assistance~~  
~~8 11 by the department of economic development pursuant~~  
~~8 12 to the value-added agriculture component of the grow~~  
~~8 13 Iowa values financial assistance program established~~  
~~8 14 pursuant to section 15G.112.~~  
8 15 Sec. \_\_\_\_\_. Section 455B.104, subsection 2, Code  
8 16 2011, is amended by striking the subsection.  
8 17 Sec. \_\_\_\_\_. 2010 Iowa Acts, chapter 1184, section 26,  
8 18 is amended to read as follows:  
8 19 SEC. 26. GROW IOWA VALUES FUND.  
8 20 1. There is appropriated from the rebuild Iowa  
8 21 infrastructure fund to the department of economic  
8 22 development for deposit in the grow Iowa values fund,  
8 23 for the fiscal year beginning July 1, 2010, and ending  
8 24 June 30, 2011, the following amount, notwithstanding  
8 25 section 8.57, subsection 6, paragraph "c":  
8 26 ..... \$ 38,000,000  
8 27 2. On the effective date of this section of this  
8 28 2011 Iowa Act, any unobligated and unencumbered moneys  
8 29 appropriated in this section and section 27 of this  
8 30 2010 Iowa Act, shall revert to the general fund of the  
8 31 state. Any repayments of moneys loaned from moneys  
8 32 appropriated in this section and section 27 of this  
8 33 2010 Iowa Act, and received after the effective date of  
8 34 this 2011 Iowa Act, shall be credited to the general  
8 35 fund of the state.  
8 36 Sec. \_\_\_\_\_. 2010 Iowa Acts, chapter 1184, section 27,  
8 37 is amended to read as follows:  
8 38 SEC. 27. GROW IOWA VALUES FUND APPROPRIATION  
8 39 REDUCTION.  
8 40 1. In lieu of the \$50,000,000 appropriated for the  
8 41 fiscal year beginning July 1, 2010, and ending June 30,  
8 42 2011, from the grow Iowa values fund to the department  
8 43 of economic development pursuant to section 15G.111,  
8 44 subsection 3, there is appropriated from the grow Iowa  
8 45 values fund to the department of economic development  
8 46 for the fiscal year beginning July 1, 2010, and ending  
8 47 June 30, 2011, \$38,000,000 for the purposes of making  
8 48 expenditures pursuant to chapter 15G.  
8 49 2. On the effective date of this section of this  
8 50 2011 Iowa Act, an entity receiving moneys appropriated





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9 1 pursuant to this section, with the exception of moneys  
9 2 allocated pursuant to section 28, subsections 2 and  
9 3 5, of this 2010 Iowa Act, shall cease obligating or  
9 4 encumbering such moneys.  
9 5 Sec. \_\_\_\_\_. REPEAL. Section 15E.233, Code 2011, is  
9 6 repealed.  
9 7 Sec. \_\_\_\_\_. REPEAL. Sections 15G.101 and 15G.109  
9 8 through 15G.115, Code 2011, are repealed.  
9 9 Sec. \_\_\_\_\_. REPEAL. Section 266.19, Code 2011, is  
9 10 repealed.  
9 11 Sec. \_\_\_\_\_. REPEAL. Section 455B.433, Code 2011, is  
9 12 repealed.  
9 13 Sec. \_\_\_\_\_. EFFECTIVE DATE. The provisions of this  
9 14 division of this Act amending 2010 Iowa Acts, chapter  
9 15 1184, being deemed of immediate importance, take effect  
9 16 upon enactment.>  
9 17 #6. By renumbering as necessary.

BILL DIX

S3009.508 (6) 84  
jp/tm



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## Senate Amendment 3023

PAG LIN

1 1 Amend the amendment, S=3009, to House File 45,  
1 2 as amended, passed, and reprinted by the House, as  
1 3 follows:  
1 4 #1. Page 2, after line 18 by inserting:  
1 5 <Sec. \_\_\_\_\_. EXPENDITURES FOR CELLULAR  
1 6 TELEPHONES AND PERSONAL DIGITAL ASSISTANTS  
1 7 PROHIBITED. Notwithstanding any provision to the  
1 8 contrary, other than for employees who are members of  
1 9 the state patrol, who are performing inspections, or  
1 10 who are otherwise normally performing their primary  
1 11 duties away from a fixed location more than 70 percent  
1 12 of the time, for the fiscal year beginning July 1,  
1 13 2010, a department shall not expend moneys appropriated  
1 14 from the general fund of the state to pay for or  
1 15 reimburse the initial or associated service costs  
1 16 for cellular telephones, personal digital assistant  
1 17 devices, or handheld computers. However, the executive  
1 18 council may authorize an exception on a case=by=case  
1 19 basis, to address an emergency situation for a period  
1 20 of time not more than three consecutive calendar months  
1 21 in length or to complete the minimum period specified  
1 22 under the terms of a lease or contract. For the  
1 23 purposes of this section, "department" means the same  
1 24 as defined in section 8.2.>  
1 25 #2. By renumbering as necessary.

BILL DIX

S3009.449 (4) 84  
jp/tm



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Senate Amendment 3024

PAG LIN

1 1 Amend the amendment, S=3009, to House File 45,  
1 2 as amended, passed, and reprinted by the House, as  
1 3 follows:  
1 4 #1. Page 1, after line 13 by inserting:  
1 5 <Sec. \_\_\_\_\_. GROUP HEALTH INSURANCE PREMIUM COSTS FOR  
1 6 STATE EMPLOYEES.  
1 7 1. The state's executive and judicial branch  
1 8 authorities responsible for negotiating the collective  
1 9 bargaining agreements entered into under chapter 20  
1 10 shall engage in discussions with the applicable state  
1 11 employee organizations to renegotiate provisions  
1 12 involving health insurance coverage of state employees  
1 13 and their families in order to achieve cost savings  
1 14 for the state. The discussions shall include but are  
1 15 not limited to a requirement for a state employee who  
1 16 is covered by a collective bargaining agreement and  
1 17 is a member of a state group health insurance plan  
1 18 for employees of the state established under chapter  
1 19 509A to pay at least one hundred dollars per month of  
1 20 the total premium for such health plan coverage for  
1 21 single persons or increase the amount paid per month  
1 22 for family coverage by the same amount that would be  
1 23 paid for the single persons coverage.  
1 24 2. If collective bargaining agreements are  
1 25 renegotiated to achieve cost savings pursuant to  
1 26 subsection 1, the cost savings provisions shall  
1 27 also apply to state employees who are not covered by  
1 28 collective bargaining as provided in chapter 20 and  
1 29 are members of a state group health insurance plan for  
1 30 employees of the state established under chapter 509A.  
1 31 3. Beginning on the effective date of this section  
1 32 or March 1, 2011, whichever is earlier, a state  
1 33 legislator or legislative staff member who is a member  
1 34 of a state group health insurance plan for employees  
1 35 of the state established under chapter 509A shall pay  
1 36 at least one hundred dollars per month of the total  
1 37 premium for such health care coverage for single  
1 38 persons or increase the amount paid per month for  
1 39 family coverage by the same amount that would be paid  
1 40 for the single persons coverage. The payment amount  
1 41 shall be determined by the legislative council, subject  
1 42 to the minimum amount specified in this subsection.>  
1 43 #2. Page 2, after line 34 by inserting:  
1 44 <Sec. \_\_\_\_\_. NEW SECTION. 8A.440 Group health  
1 45 insurance premium costs.  
1 46 1. Collective bargaining agreements entered into  
1 47 pursuant to chapter 20 for state employees shall  
1 48 provide that a state employee covered by that agreement  
1 49 who is a member of a state group health insurance plan  
1 50 for employees of the state established under chapter



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2 1 509A shall pay at least one hundred dollars per month  
2 2 of the total premium for such insurance for single  
2 3 persons or increase the amount paid per month for  
2 4 family coverage by the same amount that would be paid  
2 5 for the single persons coverage.  
2 6 2. A state employee not covered by a collective  
2 7 bargaining agreement as provided in chapter 20 who  
2 8 is a member of a state group health insurance plan  
2 9 for employees of the state established under chapter  
2 10 509A shall pay the same amount per month of the  
2 11 total premium for such insurance as is paid under  
2 12 the collective bargaining agreement that covers  
2 13 the greatest number of state employees in the state  
2 14 government entity employing the state employee.>  
2 15 #3. By renumbering as necessary.

TIM KAPUCIAN

S3009.441 (3) 84  
jp/tm



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## Senate Amendment 3025

PAG LIN

1 1 Amend the amendment, S=3009, to House File 45,  
1 2 as amended, passed, and reprinted by the House, as  
1 3 follows:  
1 4 #1. Page 5, after line 32 by inserting:  
1 5 <Sec. \_\_\_\_\_. IPERS RATES ==== PUBLIC SCHOOL  
1 6 DISTRICTS. Notwithstanding section 97B.11 or any other  
1 7 law to the contrary, for the period beginning on the  
1 8 effective date of this section and ending June 30,  
1 9 2012, the applicable employer percentage, as that term  
1 10 is defined in section 97B.11, for the contribution  
1 11 of public school districts for their employees  
1 12 participating in the Iowa public employees retirement  
1 13 system shall remain the same as the applicable employer  
1 14 percentage in effect on the effective date of this  
1 15 section.>  
1 16 #2. By renumbering as necessary.

SHAWN HAMERLINCK  
S3009.510 (3) 84  
jp/tm



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## Senate Amendment 3026

PAG LIN

1 1 Amend Senate File 209 as follows:  
1 2 #1. Page 20, after line 29 by inserting:  
1 3 <DIVISION \_\_\_\_  
1 4 IOWA COMMUNICATIONS NETWORK  
1 5 Sec. \_\_\_\_\_. IOWA COMMUNICATIONS NETWORK ====  
1 6 AUTHORIZATION FOR CONTRACTS. Pursuant to section  
1 7 8D.11, subsection 1, paragraph "a", the general  
1 8 assembly authorizes the Iowa telecommunications and  
1 9 technology commission to enter into contracts in  
1 10 excess of the contract limitation amount established  
1 11 in section 8D.11, subsection 1, paragraph "c", for  
1 12 purposes of the commission's project associated with  
1 13 the federal grant awarded to the commission under the  
1 14 federal broadband technology opportunities program.  
1 15 This authorization applies for the duration of the  
1 16 commission's project and to all affected contracts  
1 17 associated with the project and project funding.  
1 18 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. This division  
1 19 of this Act, being deemed of immediate importance,  
1 20 takes effect upon enactment.>  
1 21 #2. By renumbering as necessary.

ROBERT E. DVORSKY  
SF209.536 (2) 84  
jp/rn



Iowa General Assembly  
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## Senate Amendment 3027

PAG LIN

1 1 Amend Senate File 209 as follows:  
1 2 #1. Page 11, before line 14 by inserting:  
1 3 <DIVISION \_\_\_\_\_  
1 4 Sec. \_\_\_\_\_. NEW SECTION. 421.11 Annual Internal  
1 5 Revenue Code coupling.  
1 6 1. It is the intent of the general assembly to  
1 7 allow taxpayers to make annual tax and financial  
1 8 planning decisions with certainty.  
1 9 2. The department shall by January 1 of each year  
1 10 submit to the general assembly a request for a bill  
1 11 that conforms the computation of net income for Iowa  
1 12 purposes to the federal Internal Revenue Code as  
1 13 amended to and including that date.  
1 14 3. The general assembly shall by January 31 of each  
1 15 year consider and take a recorded vote on the bill  
1 16 requested pursuant to subsection 2.>  
1 17 #2. By renumbering as necessary.

RANDY FEENSTRA  
SF209.497 (2) 84  
tw/sc



Iowa General Assembly  
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## Senate Amendment 3028

PAG LIN

- 1 1 Amend Senate File 209 as follows:
- 1 2 #1. By striking page 7, line 4, through page 11,
- 1 3 line 13.
- 1 4 #2. By renumbering as necessary.

RANDY FEENSTRA

SF209.468 (4) 84  
tw/sc





Iowa General Assembly  
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Senate Amendment 3029

PAG LIN

1 1 Amend Senate File 209 as follows:  
1 2 #1. Page 20, after line 29 by inserting:  
1 3 <DIVISION \_\_\_\_\_  
1 4 COUNTY MENTAL HEALTH  
1 5 AND DISABILITY SERVICES  
1 6 Sec. \_\_\_\_\_. COUNTY WAITING LISTS.  
1 7 1. There is appropriated from the general fund of  
1 8 the state to the department of human services for the  
1 9 fiscal year beginning July 1, 2010, and ending June 30,  
1 10 2011, the following amount, or so much thereof as is  
1 11 necessary, to be used for the purposes designated:  
1 12 To be credited to the risk pool in the property tax  
1 13 relief fund created in chapter 426B and expended as  
1 14 provided in this section:  
1 15 ..... \$ 25,000,000  
1 16 2. The amount appropriated in this section is  
1 17 appropriated from the risk pool to the department  
1 18 of human services for distribution as provided in  
1 19 this section. Notwithstanding section 8.33, moneys  
1 20 appropriated in this section that remain unencumbered  
1 21 or unobligated at the close of the fiscal year shall  
1 22 not revert but shall remain available for expenditure  
1 23 for the purposes designated until the close of the  
1 24 succeeding fiscal year.  
1 25 3. a. For the purposes of this section, "services  
1 26 fund" means a county's mental health, mental  
1 27 retardation, and developmental disabilities services  
1 28 fund created in section 331.424A.  
1 29 b. The risk pool board shall implement a process  
1 30 for distribution of the amount appropriated in this  
1 31 section to counties to be used to provide eligibility  
1 32 for services and other support payable from the  
1 33 counties' services funds for persons who are eligible  
1 34 under county management plans in effect as of December  
1 35 31, 2010, but due to insufficient funding are on a  
1 36 waiting list for the services and other support. The  
1 37 period addressed by the funding appropriated in this  
1 38 section begins on or after the effective date of  
1 39 this section and ends June 30, 2012. Of the amount  
1 40 appropriated in this section, up to \$5,000,000 shall  
1 41 be targeted to expand medical assistance program  
1 42 waiver slots for those waivers for which counties pay  
1 43 the nonfederal share of the costs. The distribution  
1 44 allocations shall be completed on or before July 1,  
1 45 2011.  
1 46 c. The general assembly finds that as of the time  
1 47 of enactment of this section, the funding appropriated  
1 48 in this section is sufficient to eliminate the need  
1 49 for continuing, instituting, or reinstituting waiting  
1 50 lists during the period addressed by the appropriation.



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Senate Amendment 3029 continued

2 1 However, the process implemented by the risk pool  
2 2 board shall ensure there is adequate funding so that  
2 3 a person made eligible for services and other support  
2 4 from the waiting list would not be required to return  
2 5 to the waiting list if a later projection indicates the  
2 6 funding is insufficient to cover for the entire period  
2 7 all individuals removed from the waiting list pursuant  
2 8 to this section.  
2 9 d. The funding provided in this section is intended  
2 10 to provide necessary services for adults in need of  
2 11 mental health, mental retardation, or developmental  
2 12 disabilities services until improvements to the current  
2 13 system can be developed and enacted.  
2 14 Sec. \_\_\_\_\_. ADULT MENTAL HEALTH AND DISABILITY  
2 15 SERVICE SYSTEM REFORM.  
2 16 1. The general assembly finds there is need to  
2 17 reform the adult mental health and disability services  
2 18 system administered by counties to address the needs  
2 19 of persons with mental illness, mental retardation, or  
2 20 developmental disabilities. Issues with the current  
2 21 system include the following:  
2 22 a. Lack of a set of core services uniformly  
2 23 available throughout the state.  
2 24 b. Lack of uniformity in service expenditures  
2 25 throughout the state.  
2 26 c. Disparity in county levy rates for the services  
2 27 funds for this system.  
2 28 d. The need to improve the array of community-based  
2 29 services and services to avoid the use or continued use  
2 30 of crisis services.  
2 31 e. The need to expand the availability of dual  
2 32 diagnosis mental health and substance abuse services.  
2 33 f. The need to improve the consistency of services  
2 34 available to both youth and adult populations.  
2 35 g. The need to address the medical assistance  
2 36 (Medicaid) program changes in the federal Patient  
2 37 Protection and Affordable Care Act (PPACA) that will  
2 38 greatly expand the program's eligibility for persons in  
2 39 the service system beginning in calendar year 2014.  
2 40 h. Dissatisfaction with using county of legal  
2 41 settlement determinations to determine county and state  
2 42 financial responsibility for services.  
2 43 2. In order to address the issues identified in  
2 44 subsection 1, the committees on human resources,  
2 45 appropriations, and ways and means of the senate and  
2 46 house of representatives shall propose legislation to  
2 47 address the following actions by the dates indicated:  
2 48 a. Phase-in of the state fully assuming the  
2 49 nonfederal share of the costs for Medicaid program  
2 50 services now borne by counties by the implementation



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3 1 date of the Medicaid eligibility changes under PPACA.  
3 2 b. Provide property tax relief and equity by having  
3 3 the state assume a greater role in funding the adult  
3 4 mental health and disability services system from  
3 5 counties by July 1, 2012, when the repeals contained in  
3 6 this division of this Act take effect.  
3 7 c. Shift the balance of responsibilities for the  
3 8 services system between the state and counties so  
3 9 that the state ensures greater uniformity and there  
3 10 is sufficient size to develop effective services  
3 11 while maintaining the county role of bringing local  
3 12 resources together in unique ways that best meet the  
3 13 needs of clients, by implementing a new services system  
3 14 structure by July 1, 2012, when the repeals contained  
3 15 in this division of this Act take effect.  
3 16 Sec. \_\_\_\_\_. Section 331.424A, Code 2011, is amended  
3 17 by adding the following new subsection:  
3 18 NEW SUBSECTION. 6. This section is repealed July  
3 19 1, 2012.  
3 20 Sec. \_\_\_\_\_. Section 331.438, Code 2011, is amended by  
3 21 adding the following new subsection:  
3 22 NEW SUBSECTION. 5. This section is repealed July  
3 23 1, 2012.  
3 24 Sec. \_\_\_\_\_. Section 331.439, Code 2011, is amended by  
3 25 adding the following new subsection:  
3 26 NEW SUBSECTION. 10. This section is repealed July  
3 27 1, 2012.  
3 28 Sec. \_\_\_\_\_. Section 331.440, Code 2011, is amended by  
3 29 adding the following new subsection:  
3 30 NEW SUBSECTION. 7. This section is repealed July  
3 31 1, 2012.  
3 32 Sec. \_\_\_\_\_. NEW SECTION. 426B.6 Future repeal.  
3 33 This chapter is repealed July 1, 2012.  
3 34 Sec. \_\_\_\_\_. 2010 Iowa Acts, chapter 1193, section 1,  
3 35 is amended to read as follows:  
3 36 SECTION 1. ADULT MH/MR/DD SERVICES ALLOWED  
3 37 GROWTH FUNDING ==== FY 2011=2012. Notwithstanding  
3 38 section 331.439, subsection 3, the allowed growth  
3 39 factor adjustment for county mental health, mental  
3 40 retardation, and developmental disabilities service  
3 41 expenditures for the fiscal year beginning July 1,  
3 42 2011, shall be established by statute which shall be  
3 43 enacted within thirty calendar days of the ~~convening of~~  
~~3 44 the Eighty-fourth General Assembly, 2011 Session, on~~  
~~3 45 January 10, 2011 date the governor's recommendation is~~  
3 46 submitted to the general assembly. The governor shall  
3 47 submit to the general assembly a recommendation for  
3 48 such allowed growth factor adjustment and the amounts  
3 49 of related appropriations to the general assembly  
3 50 on or before January ~~11~~ 27, 2011. The governor's



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4 1 recommendation and the allowed growth factor adjustment  
4 2 enacted by the general assembly pursuant to this  
4 3 section shall incorporate measures to ensure that  
4 4 the funding appropriated during the 2011 legislative  
4 5 session to the risk pool in the property tax relief  
4 6 fund to eliminate county waiting lists for services can  
4 7 be relied upon to remain available for the long term to  
4 8 support the services provided for the individuals who  
4 9 were removed from a waiting list.

4 10 Sec. \_\_\_\_\_. CONFORMING PROVISIONS. The legislative  
4 11 services agency shall prepare a study bill for  
4 12 consideration by the committees on human resources of  
4 13 the senate and house of representatives for the 2012  
4 14 legislative session, providing conforming Code changes  
4 15 for implementation of the repeal provisions contained  
4 16 in this division of this Act.

4 17 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. This division  
4 18 of this Act, being deemed of immediate importance,  
4 19 takes effect upon enactment.

4 20 Sec. \_\_\_\_\_. RETROACTIVE APPLICABILITY. The provision  
4 21 amending 2010 Iowa Acts, chapter 1193, section 1,  
4 22 applies retroactively to April 29, 2010.>

4 23 #2. By renumbering as necessary.

DAVID JOHNSON

SF209.530 (1) 84  
tw/jp



Iowa General Assembly  
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Senate Amendment 3030

PAG LIN

1 1 Amend the amendment, S=3009, to House File 45,  
1 2 as amended, passed, and reprinted by the House, as  
1 3 follows:  
1 4 #1. Page 7, after line 1 by inserting:  
1 5 <Sec. \_\_\_\_\_. 2009 Iowa Acts, chapter 184, section 1,  
1 6 subsection 12, paragraph a, as amended by 2010 Iowa  
1 7 Acts, chapter 1184, section 71, is amended to read as  
1 8 follows:  
1 9 a. For deposit in the passenger rail service  
1 10 revolving fund created in section 327J.2,  
1 11 notwithstanding section 8.57, subsection 6, paragraph  
1 12 "c":  
1 13 ..... \$ ~~3,000,000~~  
1 14 302,007>  
1 15 #2. Page 7, after line 13 by inserting:  
1 16 <Sec. \_\_\_\_\_. 2010 Iowa Acts, chapter 1184, section 2,  
1 17 subsection 3, is amended to read as follows:  
1 18 3. DEPARTMENT OF TRANSPORTATION  
1 19 For deposit into the passenger rail service  
1 20 revolving fund created in section 327J.2 for matching  
1 21 federal funding available through the federal Passenger  
1 22 Rail Investment and Improvement Act of 2008 for  
1 23 passenger rail service, notwithstanding section 8.57,  
1 24 subsection 6, paragraph "c":  
1 25 FY 2011=2012..... \$ ~~6,500,000~~  
1 26 0  
1 27 ~~It is the intent of the general assembly to fund~~  
~~1 28 up to \$20 million over a four-year period to fully~~  
~~1 29 fund the state commitment for matching federal funding~~  
~~1 30 available through the federal Passenger Rail Investment~~  
~~1 31 and Improvement Act of 2008.~~  
1 32 Sec. \_\_\_\_\_. 2010 Iowa Acts, chapter 1184, section 16,  
1 33 is amended to read as follows:  
1 34 SEC. 16. There is appropriated from the Iowa  
1 35 comprehensive petroleum underground storage tank fund  
1 36 to the department of transportation for the fiscal year  
1 37 beginning July 1, 2010, and ending June 30, 2011, the  
1 38 following amount, or so much thereof as is necessary,  
1 39 to be used for the purposes designated:  
1 40 Notwithstanding section 455G.3, subsection 1, for  
1 41 deposit in the passenger rail service revolving fund  
1 42 created in section 327J.2:  
1 43 ..... \$ ~~2,000,000~~  
1 44 500,000  
1 45 ~~Such funds shall be coupled with the remaining~~  
~~1 46 unobligated balance of up to one million five hundred~~  
~~1 47 thousand dollars from the appropriation made in 2009~~  
~~1 48 Iowa Acts, chapter 184, section 1, subsection 12,~~  
~~1 49 paragraph "a", for a total commitment of three million~~  
~~1 50 five hundred thousand dollars for the fiscal year~~



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~~Senate Amendment 3030 continued~~

~~2 1 beginning July 1, 2010, and ending June 30, 2011,~~  
~~2 2 for matching federal funding available through the~~  
~~2 3 Passenger Rail Investment and Improvement Act of 2008.~~  
2 4 Sec. \_\_\_\_\_. 2008 Iowa Acts, chapter 1179, section 1,  
2 5 subsection 13, paragraph c, as amended by 2009 Iowa  
2 6 Acts, chapter 184, section 22, is amended by striking  
2 7 the paragraph.>  
2 8 #3. By renumbering as necessary.

BRAD ZAUN  
S3009.447 (4) 84  
jp/tm



Iowa General Assembly  
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## Senate Amendment 3031

PAG LIN

1 1 Amend the amendment, S=3009, to House File 45,  
1 2 as amended, passed, and reprinted by the House, as  
1 3 follows:  
1 4 #1. Page 6, after line 40 by inserting:  
1 5 <Sec. \_\_\_\_\_. Section 28I.4, subsection 1, Code 2011,  
1 6 is amended to read as follows:  
1 7 1. The commission shall have the power and duty  
1 8 to make comprehensive studies and plans for the  
1 9 development of the area it serves which will guide  
1 10 the unified development of the area and which will  
1 11 eliminate planning duplication and promote economy  
1 12 and efficiency in the coordinated development of  
1 13 the area and the general welfare, convenience,  
1 14 safety, and prosperity of its people. The plan or  
1 15 plans collectively shall be known as the regional  
1 16 or metropolitan development plan. The plans for  
1 17 the development of the area may include but shall  
1 18 not be limited to recommendations with respect to  
1 19 existing and proposed highways, bridges, airports,  
1 20 streets, parks and recreational areas, schools and  
1 21 public institutions and public utilities, public  
1 22 open spaces, and sites for public buildings and  
1 23 structures; districts for residence, business,  
1 24 industry, recreation, agriculture, and forestry; water  
1 25 supply, sanitation, drainage, protection against floods  
1 26 and other disasters; areas for housing developments,  
1 27 slum clearance and urban renewal and redevelopment;  
1 28 location of private and public utilities, including  
1 29 but not limited to sewerage and water supply systems;  
1 30 and such other recommendations concerning current  
1 31 and impending problems as may affect the area served  
1 32 by the commission. Time and priority schedules  
1 33 and cost estimates for the accomplishment of the  
1 34 recommendations may also be included in the plans. The  
~~1 35 plans shall be made with consideration of the smart~~  
~~1 36 planning principles under section 18B.1.~~ The plans  
1 37 shall be based upon and include appropriate studies  
1 38 of the location and extent of present and anticipated  
1 39 populations; social, physical, and economic resources,  
1 40 problems and trends; and governmental conditions and  
1 41 trends. The commission is also authorized to make  
1 42 surveys, land-use studies, and urban renewal plans,  
1 43 provide technical services and other planning work  
1 44 for the area it serves and for cities, counties, and  
1 45 other political subdivisions in the area. A plan or  
1 46 plans of the commission may be adopted, added to,  
1 47 and changed from time to time by a majority vote of  
1 48 the planning commission. The plan or plans may in  
1 49 whole or in part be adopted by the governing bodies  
1 50 of the cooperating cities and counties as the general



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Senate Amendment 3031 continued

2 1 plans of such cities and counties. The commission  
2 2 may also assist the governing bodies and other public  
2 3 authorities or agencies within the area it serves in  
2 4 carrying out any regional plan or plans, and assist any  
2 5 planning commission, board or agency of the cities and  
2 6 counties and political subdivisions in the preparation  
2 7 or effectuation of local plans and planning consistent  
2 8 with the program of the commission. The commission  
2 9 may cooperate and confer, as far as possible, with  
2 10 planning agencies of other states or of regional groups  
2 11 of states adjoining its area.

2 12 Sec. \_\_\_\_\_. Section 329.3, Code 2011, is amended to  
2 13 read as follows:

2 14 329.3 Zoning regulations ==== powers granted.

2 15 Every municipality having an airport hazard area  
2 16 within its territorial limits may adopt, administer,  
2 17 and enforce in the manner and upon the conditions  
2 18 prescribed by this chapter, zoning regulations for  
2 19 such airport hazard area, which regulations may divide  
2 20 such area into zones and, within such zones, specify  
2 21 the land uses permitted, and regulate and restrict,  
2 22 for the purpose of preventing airport hazards, the  
2 23 height to which structures and trees may be erected  
2 24 or permitted to grow. ~~Regulations adopted under this~~

~~2 25 chapter shall be made with consideration of the smart~~  
~~2 26 planning principles under section 18B.1.~~

2 27 Sec. \_\_\_\_\_. Section 335.5, subsections 3 and 4, Code  
2 28 2011, are amended by striking the subsections.

2 29 Sec. \_\_\_\_\_. Section 335.8, subsection 2, Code 2011,  
2 30 is amended by striking the subsection.

2 31 Sec. \_\_\_\_\_. Section 414.3, subsections 3 and 4, Code  
2 32 2011, are amended by striking the subsections.

2 33 Sec. \_\_\_\_\_. Section 414.6, subsection 2, Code 2011,  
2 34 is amended by striking the subsection.

2 35 Sec. \_\_\_\_\_. REPEAL. Section 16.194A, Code 2011, is  
2 36 repealed.

2 37 Sec. \_\_\_\_\_. REPEAL. Chapter 18B, Code 2011, is  
2 38 repealed.

2 39 Sec. \_\_\_\_\_. REPEAL. 2010 Iowa Acts, chapter 1184,  
2 40 section 25, is repealed.

2 41 Sec. \_\_\_\_\_. RECISION OF AWARDS. Any award to a city  
2 42 or county that applies smart planning principles and  
2 43 guidelines pursuant to sections 18B.1 and 18B.2, Code  
2 44 2011, granted from moneys appropriated pursuant to 2010  
2 45 Iowa Acts, chapter 1184, section 10, subsection 4,  
2 46 paragraph "b", for which a grant agreement or contract  
2 47 has not been entered into by the effective date of this  
2 48 section, shall be rescinded. The Iowa jobs board shall  
2 49 not award any additional such grants on or after the  
2 50 effective date of this section.>





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Senate Amendment 3031 continued

3 1 #2. By renumbering as necessary.

BILL DIX  
S3009.454 (3) 84  
jp/tm



Iowa General Assembly  
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## Senate Amendment 3032

PAG LIN

1 1 Amend the amendment, S=3009, to House File 45,  
1 2 as, amended, passed, and reprinted by the House, as  
1 3 follows:  
1 4 #1. Page 2, line 50, by striking <The> and inserting  
1 5 <If the>  
1 6 #2. Page 3, lines 5 and 6, by striking <, on or  
1 7 before April 4, 2011,>  
1 8 #3. Page 3, line 31, after <pool.> by inserting <The  
1 9 department shall continue to be the sole department  
1 10 authorized to operate a pool of passenger vehicles as  
1 11 provided under this section until a date specified  
1 12 in a later enactment, or the end date of the period,  
1 13 whichever is later.>  
1 14 #4. Page 12, line 5, after <assistance> by inserting  
1 15 <, an employee, or a student>  
1 16 #5. Page 12, line 18, after <appropriated.> by  
1 17 inserting <"Funding source" does not include federal  
1 18 moneys or grants received by an agency.>  
1 19 #6. Page 12, line 28, before <funds> by inserting  
1 20 <state>  
1 21 #7. Page 13, line 4, after <applications.> by  
1 22 inserting <In gathering or receiving information  
1 23 from agencies, the director shall make a good faith  
1 24 effort to minimize the costs and disruptions to other  
1 25 agencies and their computer systems of providing such  
1 26 information.>  
1 27 #8. Page 13, line 8, after <agency> by inserting  
1 28 <, except the institutions under the state board of  
1 29 regents,>  
1 30 #9. Page 13, after line 27 by inserting:  
1 31 <2A. For purposes of complying with this section,  
1 32 the institutions under the state board of regents, for  
1 33 each budgeted department, program, or activity, shall  
1 34 provide the following:  
1 35 a. The funding source and the amount of state funds  
1 36 received by the institutions.  
1 37 b. The amount of state funds expended by the  
1 38 institutions.  
1 39 c. The names of the entities or recipients  
1 40 receiving state funds from the institutions.  
1 41 d. The amounts paid to the entities or recipients  
1 42 named in paragraph "c".  
1 43 e. A description of the department, program,  
1 44 or activity involved, including, to the extent  
1 45 practicable, the descriptive purpose and expected  
1 46 performance outcome of each budget program or activity.  
1 47 f. Past performance outcomes of the budget program  
1 48 or activity.  
1 49 g. State audit or report relating to the budget  
1 50 program or activity.



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Senate Amendment 3032 continued

2 1 h. Other information as the institutions may deem  
2 2 appropriate for a budget program or activity.>  
2 3 #10. Page 14, by striking lines 9 through 11 and  
2 4 inserting <under section 423.3. The estimated cost to  
2 5 the state shall include the amount of exempt sales by  
2 6 business type for each county. This paragraph does  
2 7 not>  
2 8 #11. Page 14, by striking lines 18 through 21.  
2 9 #12. Page 14, line 28, by striking <thirty> and  
2 10 inserting <sixty>  
2 11 #13. Page 14, lines 33 and 34, by striking <thirty  
2 12 days after the data becomes available to the agency.>  
2 13 and inserting <sixty days following the close of the  
2 14 state fiscal year.>  
2 15 #14. Page 15, by striking lines 39 through 46.  
2 16 #15. Page 16, after line 5 by inserting:  
2 17 <Sec. \_\_\_\_\_. Section 422.20, subsection 3, paragraph  
2 18 a, Code 2011, is amended to read as follows:  
2 19 a. Unless otherwise expressly permitted by section  
2 20 8A.504, section 8G.4, section 96.11, subsection 6,  
2 21 section 421.17, subsections 22, 23, and 26, subsection  
2 22 27, paragraph "k", and subsection 31, section 252B.9,  
2 23 section 321.40, subsection 6, sections 321.120, 421.19,  
2 24 421.28, 422.72, and 452A.63, and this section, a tax  
2 25 return, return information, or investigative or audit  
2 26 information shall not be divulged to any person or  
2 27 entity, other than the taxpayer, the department, or  
2 28 internal revenue service for use in a matter unrelated  
2 29 to tax administration.  
2 30 Sec. \_\_\_\_\_. Section 422.72, subsection 3, paragraph  
2 31 a, Code 2011, is amended to read as follows:  
2 32 a. Unless otherwise expressly permitted by section  
2 33 8A.504, section 8G.4, section 96.11, subsection 6,  
2 34 section 421.17, subsections 22, 23, and 26, subsection  
2 35 27, paragraph "k", and subsection 31, section 252B.9,  
2 36 section 321.40, subsection 6, sections 321.120, 421.19,  
2 37 421.28, 422.20, and 452A.63, and this section, a tax  
2 38 return, return information, or investigative or audit  
2 39 information shall not be divulged to any person or  
2 40 entity, other than the taxpayer, the department, or  
2 41 internal revenue service for use in a matter unrelated  
2 42 to tax administration.>  
2 43 #16. By renumbering as necessary.

JEFF DANIELSON  
S3009.544 (2) 84  
tw/jp



Iowa General Assembly  
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## Senate Amendment 3033

PAG LIN

1 1 Amend the amendment, S=3009, to House File 45,  
1 2 as amended, passed, and reprinted by the House, as  
1 3 follows:  
1 4 #1. Page 4, after line 5 by inserting:  
1 5 <Sec. \_\_\_\_\_. SALE OR LEASE OF IOWA COMMUNICATIONS  
1 6 NETWORK. The Iowa telecommunications and technology  
1 7 commission shall implement a request for proposals  
1 8 process to sell or lease the Iowa communications  
1 9 network. The request for proposals shall provide for  
1 10 the sale to be concluded or the lease to commence  
1 11 during the fiscal year beginning July 1, 2011. The  
1 12 commission shall condition the sale or lease of the  
1 13 Iowa communications network with terms that will allow  
1 14 existing authorized users of the network to continue  
1 15 such use at a lower overall long-term cost when  
1 16 compared to the anticipated operation and maintenance  
1 17 costs if state ownership and control were to continue.  
1 18 Public funds shall not be used to secure the purchase  
1 19 of the network. The commission shall submit periodic  
1 20 status reports to the general assembly at three-month  
1 21 intervals, beginning on October 1, 2011, regarding  
1 22 progress made toward selling or leasing the network.>  
1 23 #2. By renumbering as necessary.

JERRY BEHN

S3009.448 (2) 84  
jp/tm



Iowa General Assembly  
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## Senate Amendment 3034

PAG LIN

1 1 Amend the amendment, S=3009, to House File 45,  
1 2 as amended, passed, and reprinted by the House, as  
1 3 follows:  
1 4 #1. Page 8, by striking lines 28 through 33.  
1 5 #2. Page 8, line 46, by striking <431,014> and  
1 6 inserting <497,014>  
1 7 #3. Page 9, by striking lines 2 through 7.  
1 8 #4. Page 9, by striking lines 16 through 18 and  
1 9 inserting:  
1 10 <Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. The provision  
1 11 of this division of this Act amending 2010 Iowa Acts,  
1 12 chapter 1189, section 28, being deemed of immediate  
1 13 importance, takes effect upon enactment.>  
1 14 #5. By renumbering as necessary.

ROBERT M. HOGG  
S3009.547 (2) 84  
jp/tm



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Senate Amendment 3035

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1 1 Amend the amendment, S=3009, to House File 45,  
1 2 as amended, passed, and reprinted by the House, as  
1 3 follows:  
1 4 #1. Page 16, after line 5 by inserting:  
1 5 <DIVISION \_\_\_\_\_  
1 6 AUTOMATIC PROGRAM SUNSET  
1 7 Section 1. NEW SECTION. 4A.1 Definitions.  
1 8 As used in this chapter, unless the context  
1 9 otherwise requires:  
1 10 1. "Agency" means the same as the term "department"  
1 11 as defined in section 8.2.  
1 12 2. "Committee" means the fiscal committee of the  
1 13 legislative council created pursuant to section 2.45.  
1 14 3. "Program" means a distinct and coherent set of  
1 15 activities authorized by law which affects a clearly  
1 16 definable target group, problem, or issue and which  
1 17 can be supported by appropriations through the budget  
1 18 process or by enactments other than appropriations, as  
1 19 in the case of tax credits.  
1 20 4. "Program review criteria" means the criteria  
1 21 required to be considered under section 4A.8.  
1 22 5. "Sunset" means the termination or repeal of the  
1 23 law authorizing a program.  
1 24 Sec. 2. NEW SECTION. 4A.2 Short title.  
1 25 This chapter shall be known as and may be cited as  
1 26 the "Iowa Sunset Act".  
1 27 Sec. 3. NEW SECTION. 4A.3 Automatic sunset of  
1 28 programs.  
1 29 1. Unless provided otherwise by law, each new  
1 30 program that first takes effect by law enacted on  
1 31 or after July 1, 2011, shall sunset six years after  
1 32 the program's effective date unless reauthorized by  
1 33 enactment by the general assembly.  
1 34 2. Unless a program is expressly exempted from  
1 35 this chapter, if the law authorizing the program is  
1 36 enacted on or after July 1, 2011, the law shall include  
1 37 a sunset clause clearly indicating the date of the  
1 38 program's repeal if the program is not reauthorized by  
1 39 enactment by the general assembly.  
1 40 3. Any program that is reauthorized by enactment  
1 41 by the general assembly pursuant to this section shall  
1 42 include a provision specifying that the program shall  
1 43 sunset at a date not more than twelve years from the  
1 44 effective date of the program's reauthorization.  
1 45 4. Unless expressly provided by law, funding shall  
1 46 not be expended on a program that has been sunset.  
1 47 5. a. Any program to which money was appropriated  
1 48 prior to July 1, 2011, may at any time be subject  
1 49 to review of the committee by a majority vote of its  
1 50 members for the purpose of recommending to the general



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2 1 assembly its continuation or sunset.  
2 2     b. If a program is subject to sunset, the committee  
2 3 shall conduct public hearings concerning but not  
2 4 limited to the applicability of the program review  
2 5 criteria to the program, and shall issue a report  
2 6 pursuant to section 4A.5. The committee may recommend  
2 7 to the general assembly by a majority vote of its  
2 8 members that a program under review, to which money was  
2 9 appropriated prior to July 1, 2011, should be sunset,  
2 10 continued, or reorganized. The committee shall submit  
2 11 such recommendation to all members of the general  
2 12 assembly within thirty calendar days of the vote in  
2 13 which such recommendation is made.  
2 14     Sec. 4. NEW SECTION. 4A.4 Information to be  
2 15 reported by agencies to fiscal committee.  
2 16     Before October 30 of the calendar year in progress  
2 17 two years prior to the calendar year in which a state  
2 18 program subject to this chapter is scheduled to sunset,  
2 19 the agency administering the program shall report all  
2 20 of the following information to the committee:  
2 21     1. Information regarding the applicability of the  
2 22 program review criteria to the program.  
2 23     2. Any other information that the agency considers  
2 24 appropriate or that is requested by the committee.  
2 25     Sec. 5. NEW SECTION. 4A.5 Sunset of programs ====  
2 26 committee ==== duties of the committee ==== reports.  
2 27     1. Before September 1 of the calendar year in  
2 28 progress one year prior to the calendar year in which a  
2 29 program subject to this chapter is scheduled to sunset,  
2 30 the committee shall do all of the following:  
2 31     a. Review and take action necessary to verify the  
2 32 reports submitted by the agency pursuant to section  
2 33 4A.4.  
2 34     b. Consult with the appropriations committee of the  
2 35 house of representatives, the appropriations committee  
2 36 of the senate, the department of management, the  
2 37 auditor of state, and the treasurer of state regarding  
2 38 the applicability of the program review criteria to the  
2 39 program.  
2 40     c. Conduct a performance evaluation of the program  
2 41 based on the program review criteria and prepare a  
2 42 written report.  
2 43     2. The written report prepared by the committee  
2 44 pursuant to subsection 1 shall be submitted to the  
2 45 general assembly with the report required under section  
2 46 4A.7.  
2 47     Sec. 6. NEW SECTION. 4A.6 Public hearings  
2 48 conducted for programs subject to sunset.  
2 49     1. Between September 1 and December 1 of the  
2 50 calendar year in progress prior to the calendar year in



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3 1 which a program subject to this chapter is scheduled  
3 2 to sunset, the committee shall conduct public hearings  
3 3 concerning but not limited to the applicability of the  
3 4 program review criteria to the program.  
3 5 2. Notwithstanding subsection 1, the committee may  
3 6 hold the public hearings prior to September 1 if the  
3 7 evaluation of the program required by section 4A.5 is  
3 8 complete and available to the public.  
3 9 Sec. 7. NEW SECTION. 4A.7 Report on programs  
3 10 scheduled to be sunset ==== auditor report.  
3 11 1. At the beginning of each regular session of  
3 12 the general assembly, the committee shall present to  
3 13 the general assembly and the governor a report on the  
3 14 programs scheduled to be sunset. In the report, the  
3 15 committee shall include all of the following:  
3 16 a. The committee's specific findings regarding each  
3 17 of the program criteria.  
3 18 b. The committee's recommendations, as specified by  
3 19 section 4A.3.  
3 20 c. Recommendations on the sunset, continuation, or  
3 21 reorganization of each affected program and on the need  
3 22 for the performance of the functions of the program.  
3 23 d. Recommendations on the consolidation, transfer,  
3 24 or reorganization of programs within agencies not under  
3 25 review if the programs duplicate functions performed  
3 26 by programs under review.  
3 27 e. Recommendations as to the appropriate  
3 28 appropriation levels for each program for which sunset  
3 29 or reorganization is recommended pursuant to this  
3 30 subsection.  
3 31 f. Draft legislation necessary to carry out  
3 32 the committee's recommendations pursuant to this  
3 33 subsection.  
3 34 g. Any other information the committee deems  
3 35 necessary for a complete evaluation of the program.  
3 36 2. On the date the committee presents its report  
3 37 to the general assembly pursuant to subsection 1, the  
3 38 committee shall present to the auditor of state the  
3 39 committee's recommendations that do not require a  
3 40 statutory change to be put into effect. The auditor  
3 41 of state shall examine the recommendations and shall  
3 42 prepare, as part of the next scheduled audit of the  
3 43 program, a report on the manner in which the agency has  
3 44 implemented the committee's recommendations.  
3 45 Sec. 8. NEW SECTION. 4A.8 Criteria considered by  
3 46 committee.  
3 47 The committee shall consider all of the following  
3 48 criteria in determining whether a public need  
3 49 exists for the continuation of a program, or for the  
3 50 performance of the functions of the program:





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- 4 1       1. The program's operating efficiency.
- 4 2       2. An identification of the objectives intended for  
4 3 the program and the problem or need that the program  
4 4 was intended to address, the extent to which the  
4 5 objectives have been achieved, and any activities of  
4 6 the agency in addition to those granted by statute and  
4 7 the authority for such activities.
- 4 8       3. An assessment of less restrictive or alternative  
4 9 methods of protecting the public in lieu of any  
4 10 existing rule or regulation applied by the agency.
- 4 11       4. The extent to which the jurisdiction of the  
4 12 agency and the programs administered by the agency  
4 13 overlap or duplicate those of other agencies and  
4 14 the extent to which the programs administered by the  
4 15 agency can be consolidated with the programs of other  
4 16 agencies.
- 4 17       5. An assessment of the extent to which the agency  
4 18 has recommended to the general assembly statutory  
4 19 changes calculated to be of benefit to the public  
4 20 rather than to an occupation, business, or institution  
4 21 that the agency regulates.
- 4 22       6. An evaluation of the promptness and  
4 23 effectiveness with which the agency disposes of  
4 24 complaints concerning persons affected by the program.
- 4 25       7. An assessment of the extent to which the agency  
4 26 has encouraged participation by the public in making  
4 27 rules and decisions as opposed to participation solely  
4 28 by those it regulates and the extent to which the  
4 29 public participation has resulted in rules compatible  
4 30 with the objectives of the program.
- 4 31       8. The extent to which the agency has complied with  
4 32 applicable requirements of all of the following:
- 4 33       a. An agency of the United States or this state  
4 34 regarding equality of employment opportunity and the  
4 35 rights and privacy of individuals.
- 4 36       b. State law and applicable rules of any  
4 37 agency regarding purchasing goals and programs for  
4 38 historically underutilized businesses, including but  
4 39 not limited to the goals for small businesses and  
4 40 targeted small businesses in this state under section  
4 41 73.16.
- 4 42       9. The extent to which changes are necessary in the  
4 43 enabling statutes of the program so that the agency can  
4 44 adequately comply with the criteria established in this  
4 45 section.
- 4 46       10. The extent to which the agency issues and  
4 47 enforces rules relating to potential conflicts of  
4 48 interest of its employees.
- 4 49       11. The extent to which the agency complies with  
4 50 chapter 22 and follows records management practices



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5 1 that enable the agency to respond efficiently to  
5 2 requests for public information.  
5 3 12. The effect of federal intervention or loss of  
5 4 federal funds if the program is sunset.  
5 5 Sec. 9. NEW SECTION. 4A.9 Exemption for certain  
5 6 agencies.  
5 7 1. In the two-year period preceding the date  
5 8 scheduled for the sunset of a program in accordance  
5 9 with this chapter, the committee may exempt the program  
5 10 from the requirements of this chapter relating to staff  
5 11 reports, hearings, and evaluations. The committee  
5 12 shall only exempt a program that has been inactive for  
5 13 a period of two years preceding the date the program is  
5 14 scheduled to sunset.  
5 15 2. The committee's action in exempting a program  
5 16 pursuant to this section requires an affirmative record  
5 17 vote of all members of the committee.  
5 18 Sec. 10. NEW SECTION. 4A.10 Activities of the  
5 19 general assembly not restricted.  
5 20 This chapter does not restrict the general assembly  
5 21 from doing any of the following:  
5 22 1. Terminating a program at a date earlier than  
5 23 required in accordance with this chapter.  
5 24 2. Considering any other legislation relative to a  
5 25 program subject to this chapter.  
5 26 Sec. 11. NEW SECTION. 4A.11 Duration of sunset  
5 27 program === procedures for terminated programs.  
5 28 1. a. A program that is sunset may continue in  
5 29 existence to conclude its business until September 1 of  
5 30 the fiscal year following the fiscal year in which the  
5 31 program was sunset. Unless the law provides otherwise,  
5 32 the sunset of a program does not reduce or otherwise  
5 33 limit the powers and authority of the agency during the  
5 34 concluding year.  
5 35 b. A program is terminated and shall cease all  
5 36 activities on or before the date specified in paragraph  
5 37 "a". Unless the law provides otherwise, all rules  
5 38 adopted pertaining to the program shall expire on that  
5 39 date.  
5 40 2. a. Any unobligated or unexpended appropriations  
5 41 of a sunset program lapse on the date specified in  
5 42 subsection 1 and shall revert to the general fund of  
5 43 the state on that date.  
5 44 b. Except as provided by subsection 5 or as  
5 45 otherwise provided by law, all moneys in a dedicated  
5 46 fund of a program that is sunset in accordance with  
5 47 this chapter shall be transferred to the general fund  
5 48 of the state on the date specified in subsection 1.  
5 49 Any law or portion of a law dedicating moneys to a  
5 50 specific fund of a program that is sunset is void on



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6 1 the date specified in subsection 1.  
6 2 3. Unless the governor designates an appropriate  
6 3 agency as described in subsection 4, the property and  
6 4 records in the custody of an agency administering a  
6 5 sunset program on the date specified in subsection  
6 6 1 shall be transferred to the department of  
6 7 administrative services. However, if the governor  
6 8 designates an appropriate agency as described in  
6 9 subsection 4, the property and records shall be  
6 10 transferred to the designated agency.  
6 11 4. a. In recognition of the state's continuing  
6 12 obligation to pay bonded indebtedness and all other  
6 13 obligations, including lease, contract, and other  
6 14 written obligations, incurred by a program subject to  
6 15 sunset in accordance with this chapter, the sunset  
6 16 of the program shall not impair or impede payment  
6 17 of bonded indebtedness and all other obligations,  
6 18 including lease, contract, and other written  
6 19 obligations, in accordance with their terms.  
6 20 b. If an agency has outstanding bonded indebtedness  
6 21 or other outstanding obligations for a program that is  
6 22 sunset, including lease, contract, or other written  
6 23 obligations, the bonds and all other such obligations  
6 24 remain valid and enforceable in accordance with  
6 25 their terms and subject to all applicable terms and  
6 26 conditions of the laws and proceedings authorizing the  
6 27 bonds and all other such obligations. The governor  
6 28 shall designate an appropriate agency to continue  
6 29 to carry out all covenants contained in the bonds  
6 30 and all other such obligations, and the proceedings  
6 31 authorizing them, including the issuance of bonds,  
6 32 and the performance of all other such obligations  
6 33 to complete the construction of projects or the  
6 34 performance of other such obligations. The designated  
6 35 agency shall provide payment from the sources of  
6 36 payment of the bonds in accordance with the terms of  
6 37 the bonds and shall provide payment from the sources of  
6 38 payment from all other such obligations in accordance  
6 39 with their terms, whether from taxes, revenues, or  
6 40 otherwise, until the bonds and interest on the bonds  
6 41 are paid in full and are performed and paid in full.  
6 42 If the terms of the obligation so provide, all funds  
6 43 established by law or proceedings authorizing the bonds  
6 44 or authorizing other such obligations shall remain  
6 45 with the treasurer of state or previously designated  
6 46 trustees. If the proceedings do not provide that the  
6 47 funds remain with the treasurer of state or previously  
6 48 designated trustees, the funds shall be transferred to  
6 49 the designated agency.  
6 50 Sec. 12. NEW SECTION. 4A.12 State agencies and



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7 1 officers to provide assistance to committee.  
7 2 1. The committee may request the assistance  
7 3 of agencies and officers to assist in gathering  
7 4 information pursuant to the committee objective.  
7 5 2. In carrying out its functions pursuant to  
7 6 this chapter, the committee may inspect the records,  
7 7 documents, and files of any agency.  
7 8 Sec. 13. NEW SECTION. 4A.13 Department of  
7 9 workforce development to assist displaced employees.  
7 10 If an employee is displaced because a program is  
7 11 sunset, reorganized, or discontinued, the affected  
7 12 agency and the department of workforce development  
7 13 shall make a reasonable effort to relocate the  
7 14 displaced employee.  
7 15 Sec. 14. NEW SECTION. 4A.14 Rights and duties not  
7 16 affected by program sunset.  
7 17 Unless otherwise expressly provided by law,  
7 18 the sunset of a program does not affect the rights  
7 19 and duties that matured, penalties incurred or  
7 20 imposed, civil or criminal liabilities that arose, or  
7 21 proceedings initiated in connection with the program  
7 22 before the effective date of the program's sunset.>  
7 23 #2. By renumbering as necessary.

SHAWN HAMERLINCK

S3009.539 (2) 84  
jp/tm



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**Senate File 245 - Introduced**

SENATE FILE  
BY JOCHUM

**A BILL FOR**

1 An Act allowing qualified organizations to lease electronic  
2 bingo equipment in order to assist disabled participants.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1479SS (1) 84  
aw/nh



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Senate File 245 - Introduced continued

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1 1 Section 1. Section 99B.7, subsection 8, Code 2011, is  
1 2 amended to read as follows:  
1 3 8. A qualified organization licensed under this section  
1 4 shall purchase bingo equipment and supplies only from a  
1 5 manufacturer or a distributor licensed by the department.  
1 6 A qualified organization may also lease electronic bingo  
1 7 equipment from a manufacturer or a distributor licensed by the  
1 8 department for the purpose of aiding disabled individuals.

1 9 EXPLANATION

1 10 This bill allows a qualified organization, for the purpose  
1 11 of aiding disabled participants, to lease electronic bingo  
1 12 equipment from a manufacturer or distributor licensed by the  
1 13 department of inspections and appeals.

1 14 A qualified organization is defined as an organization  
1 15 licensed by the department of inspections and appeals which  
1 16 dedicates its net receipts from a game of skill or chance or a  
1 17 raffle to educational, civic, public, charitable, patriotic,  
1 18 or religious uses.

LSB 1479SS (1) 84

aw/nh



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**Senate File 246 - Introduced**

SENATE FILE  
BY JOCHUM

**A BILL FOR**

1 An Act relating to violations of the open records and  
2 public meetings laws and the creation of the Iowa public  
3 information board, and including effective date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1487XS (8) 84  
rh/rj



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Senate File 246 - Introduced continued

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1 1 Section 1. Section 21.6, subsection 3, paragraph a, Code  
1 2 2011, is amended to read as follows:

1 3 a. Shall assess each member of the governmental body who  
1 4 participated in its violation damages in the amount of not more  
1 5 than five hundred dollars ~~nor~~ and not less than one hundred  
1 6 dollars. However, if a member of a governmental body knowingly  
1 7 participated in such a violation, damages shall be in the  
1 8 amount of not more than two thousand five hundred dollars  
1 9 and not less than one thousand dollars. These damages shall

1 10 be paid by the court imposing it to the state of Iowa, if  
1 11 the body in question is a state governmental body, or to the  
1 12 local government involved if the body in question is a local  
1 13 governmental body. A member of a governmental body found to  
1 14 have violated this chapter shall not be assessed such damages  
1 15 if that member proves that the member did any of the following:

1 16 (1) Voted against the closed session.

1 17 (2) Had good reason to believe and in good faith believed  
1 18 facts which, if true, would have indicated compliance with all  
1 19 the requirements of this chapter.

1 20 (3) Reasonably relied upon a decision of a court, ~~or~~ a  
1 21 formal opinion of the Iowa public information board, the  
1 22 attorney general, or the attorney for the governmental body,  
1 23 given in writing, or as memorialized in the minutes of the  
1 24 meeting at which a formal oral opinion was given, or an  
1 25 advisory opinion of the Iowa public information board, the  
1 26 attorney general, or the attorney for the governmental body,  
1 27 given in writing.

1 28 Sec. 2. Section 22.10, subsection 3, paragraph b, Code 2011,  
1 29 is amended to read as follows:

1 30 b. Shall assess the persons who participated in its  
1 31 violation damages in the amount of not more than five hundred  
1 32 dollars ~~nor~~ and not less than one hundred dollars. However, if  
1 33 a member of a government body knowingly participated in such a  
1 34 violation, damages shall be in the amount of not more than two  
1 35 thousand five hundred dollars and not less than one thousand





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2 1 dollars. These damages shall be paid by the court imposing  
2 2 them to the state of Iowa if the body in question is a state  
2 3 government body, or to the local government involved if the  
2 4 body in question is a local government body. A person found to  
2 5 have violated this chapter shall not be assessed such damages  
2 6 if that person proves that the person ~~either voted~~ did any of  
2 7 the following:

2 8 (1) Voted against the action violating this chapter,  
2 9 refused to participate in the action violating this chapter, or  
2 10 engaged in reasonable efforts under the circumstances to resist  
2 11 or prevent the action in violation of this chapter, ~~had~~.

2 12 (2) Had good reason to believe and in good faith believed  
2 13 facts which, if true, would have indicated compliance with the  
2 14 requirements of this chapter, ~~or reasonably~~.

2 15 (3) Reasonably relied upon a decision of a court ~~or an~~,  
2 16 a formal opinion of the Iowa public information board, the  
2 17 attorney general, or the attorney for the government body,  
2 18 given in writing, or as memorialized in the minutes of the  
2 19 meeting at which a formal oral opinion was given, or an  
2 20 advisory opinion of the Iowa public information board, the  
2 21 attorney general, or the attorney for the government body,  
2 22 given in writing.

2 23 Sec. 3. NEW SECTION. 23.1 Citation and purpose.

2 24 This chapter may be cited as the "Iowa Public Information  
2 25 Board Act". The purpose of this chapter is to provide  
2 26 an alternative means by which to secure compliance with  
2 27 and enforcement of the requirements of chapters 21 and 22  
2 28 through the provision by the Iowa public information board  
2 29 to all interested parties of an efficient, informal, and  
2 30 cost-effective process for resolving disputes.

2 31 Sec. 4. NEW SECTION. 23.2 Definitions.

2 32 1. "Board" means the Iowa public information board created  
2 33 in section 23.3.

2 34 2. "Complainant" means a person who files a complaint with  
2 35 the board.



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3 1 3. "Complaint" means a written and signed document filed  
3 2 with the board alleging a violation of chapter 21 or 22.  
3 3 4. "Custodian" means a government body, government official,  
3 4 or government employee designated as the lawful custodian of a  
3 5 government record pursuant to section 22.1.  
3 6 5. "Government body" means the same as defined in section  
3 7 22.1.  
3 8 6. "Governmental body" means the same as defined in section  
3 9 21.2.  
3 10 7. "Person" means an individual, partnership, association,  
3 11 corporation, legal representative, trustee, receiver,  
3 12 custodian, government body, governmental body, or official,  
3 13 employee, agency, or political subdivision of this state.  
3 14 8. "Respondent" means any agency or other unit of state or  
3 15 local government, custodian, government official, or government  
3 16 employee who is the subject of a complaint.  
3 17 Sec. 5. NEW SECTION. 23.3 Board appointed.  
3 18 1. An Iowa public information board is created as an  
3 19 independent agency consisting of the following seven members  
3 20 appointed by the governor.  
3 21 a. One member nominated by the Iowa broadcasters  
3 22 association.  
3 23 b. One member nominated by the Iowa freedom of information  
3 24 council.  
3 25 c. One member nominated by the Iowa newspaper association.  
3 26 d. One member nominated by the Iowa league of cities.  
3 27 e. One member nominated by the Iowa state association of  
3 28 counties.  
3 29 f. One member nominated by the Iowa association of school  
3 30 boards.  
3 31 g. The attorney general or the attorney general's designee.  
3 32 2. Appointments to the board shall not be subject to  
3 33 sections 69.16 and 69.16A.  
3 34 3. Members appointed to the board shall serve staggered  
3 35 terms.



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4 1       4. A quorum of the board shall consist of four members.  
4 2       5. A vacancy on the board shall be filled by the governor.  
4 3       6. The board shall select one of its members to serve as  
4 4 chairperson and shall employ a person who shall be an attorney  
4 5 admitted to practice law before the courts of this state to  
4 6 serve as the executive director of the board.  
4 7       Sec. 6. NEW SECTION. 23.4 Compensation and expenses.  
4 8       Board members shall be paid a per diem as specified in  
4 9 section 7E.6 and shall be reimbursed for actual and necessary  
4 10 expenses incurred while on official board business. Per diem  
4 11 and expenses shall be paid from funds appropriated to the  
4 12 board.  
4 13       Sec. 7. NEW SECTION. 23.5 Remedies.  
4 14       1. An aggrieved person or any taxpayer or citizen of this  
4 15 state may seek the assistance of the board in exercising rights  
4 16 under chapters 21 and 22, other than an action commenced  
4 17 pursuant to section 21.6 or 22.10, and request a formal opinion  
4 18 of the board interpreting the requirements of chapters 21 and  
4 19 22 by filing a complaint with the board.  
4 20       2. If a person files an action pursuant to section 22.8  
4 21 seeking to enjoin the inspection of a public record, the  
4 22 respondent or person requesting access to the record which  
4 23 is the subject of the request for injunction may stay the  
4 24 proceeding for sixty days in order to obtain a formal opinion  
4 25 of the board concerning the merits of the action. In any such  
4 26 case, the court shall consider and address the formal opinion  
4 27 of the board in rendering its decision.  
4 28       Sec. 8. NEW SECTION. 23.6 Board powers and duties.  
4 29       The board shall have all of the following powers and duties:  
4 30       1. Employ an executive director and an assistant to the  
4 31 executive director.  
4 32       2. Adopt rules pursuant to chapter 17A to administer any  
4 33 power or duty of the board under this chapter.  
4 34       3. Issue formal opinions interpreting the requirements of  
4 35 chapter 21 or 22 and applying the requirements to specified



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5 1 fact situations, and issue informal advice to any person  
5 2 concerning the requirements and applicability of chapters 21  
5 3 and 22. Formal opinions shall be accorded recognition by the  
5 4 courts of this state as persuasive authority.

5 5 4. Receive complaints alleging violations of chapter 21  
5 6 or 22, seek resolution of such complaints through informal  
5 7 assistance or through mediation and settlement, formally  
5 8 investigate such complaints, find after formal investigation  
5 9 whether there is probable cause to believe a violation of  
5 10 chapter 21 or 22 has occurred, and if probable cause has  
5 11 been found, issue a formal opinion stating the basis for  
5 12 the finding. An opinion of the board issued pursuant to an  
5 13 investigation shall be admitted into evidence in any court  
5 14 proceeding dealing with the same matter.

5 15 5. Request and receive from a government body or a  
5 16 governmental body assistance and information as necessary  
5 17 in the performance of its duties. The board may examine a  
5 18 record of a government body or a governmental body that is  
5 19 the subject matter of a complaint, including any record that  
5 20 is confidential by law. Confidential records provided to  
5 21 the board by a government body or a governmental body shall  
5 22 continue to maintain their confidential status. Any member  
5 23 or employee of the board is subject to the same policies and  
5 24 penalties regarding the confidentiality of the document as an  
5 25 employee of the government body or the governmental body.

5 26 6. Issue subpoenas enforceable in court for the purpose of  
5 27 investigating complaints before the board.

5 28 7. Represent itself in judicial proceedings to enforce or  
5 29 defend its formal opinions through its executive director.

5 30 8. Disseminate information calculated to inform members  
5 31 of the public about the public's right to access government  
5 32 information in this state including procedures to facilitate  
5 33 this access and including information relating to the  
5 34 obligations of governmental bodies under chapter 21 and lawful  
5 35 custodians under chapter 22 and other laws dealing with this



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6 1 subject.

6 2 9. Make training opportunities available to lawful  
6 3 custodians, government bodies, governmental bodies, and other  
6 4 persons subject to the requirements of chapters 21 and 22  
6 5 and require all new employees who have responsibilities in  
6 6 relation to chapters 21 and 22 to receive training upon initial  
6 7 employment. The board shall require all employees to receive  
6 8 annual training thereafter subject to criteria established by  
6 9 the board.

6 10 10. Prepare and transmit to the governor and to the general  
6 11 assembly, at least annually, reports describing complaints  
6 12 received, board proceedings, investigations, opinions rendered,  
6 13 and other work performed by the board.

6 14 11. Make recommendations to the general assembly proposing  
6 15 legislation relating to public access to government information  
6 16 deemed desirable by the board in light of the policy of  
6 17 this state to provide as much public access as possible  
6 18 to government information as is consistent with the public  
6 19 interest.

6 20 Sec. 9. NEW SECTION. 23.7 Filing of complaints with the  
6 21 board.

6 22 1. All complaints filed with the board shall be public  
6 23 records.

6 24 2. All board proceedings in response to the filing of a  
6 25 complaint shall be conducted as expeditiously as possible.

6 26 3. The board shall charge a complaint filing fee not to  
6 27 exceed fifty dollars. This fee may be waived by the executive  
6 28 director when imposition of the fee would constitute an  
6 29 economic hardship for the complainant. The filing fee shall be  
6 30 returned at the direction of the board when the complaint has  
6 31 been established as meritorious.

6 32 Sec. 10. NEW SECTION. 23.8 Initial processing of complaint.

6 33 Upon receipt of a complaint alleging a violation of chapter  
6 34 21 or 22, the board shall do either of the following:

6 35 1. Determine that, on its face, the complaint is within



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7 1 the board's jurisdiction, appears legally sufficient, and  
7 2 could have merit. In such a case, the board shall accept  
7 3 the complaint, and shall notify the parties of that fact in  
7 4 writing.

7 5 2. Determine that, on its face, the complaint is not within  
7 6 its jurisdiction, is legally insufficient, is frivolous,  
7 7 is without merit, involves harmless error, or relates to a  
7 8 specific incident that has previously been finally disposed of  
7 9 on its merits by the board or a court. In such a case, the  
7 10 board shall decline to accept the complaint. If the board  
7 11 declines to accept a complaint, the board shall provide the  
7 12 complainant with a written statement explaining its reasons for  
7 13 the action.

7 14 Sec. 11. NEW SECTION. 23.9 Informal assistance ==== mediation  
7 15 and settlement.

7 16 1. After accepting a complaint, the board shall promptly  
7 17 work with the parties through its employees to reach an  
7 18 informal, expeditious resolution of the complaint. If an  
7 19 informal resolution satisfactory to the parties cannot be  
7 20 reached, the board or the board's designee shall offer the  
7 21 parties an opportunity to resolve the dispute through mediation  
7 22 and settlement.

7 23 2. The mediation and settlement process shall enable the  
7 24 complainant to attempt to resolve the dispute with the aid of  
7 25 a neutral mediator employed and selected by the board, in its  
7 26 discretion, from either its own staff or an outside source.

7 27 3. Mediation shall be conducted as an informal,  
7 28 nonadversarial process and in a manner calculated to help  
7 29 the parties reach a mutually acceptable and voluntary  
7 30 settlement agreement. The mediator shall assist the parties in  
7 31 identifying issues and shall foster joint problem solving and  
7 32 the exploration of settlement alternatives.

7 33 Sec. 12. NEW SECTION. 23.10 Enforcement.

7 34 1. If any party declines mediation or settlement or if  
7 35 mediation or settlement fails to resolve the matter to the



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8 1 satisfaction of all parties, the board shall initiate an  
8 2 investigation concerning the facts and circumstances set forth  
8 3 in the complaint. The board shall, after an appropriate  
8 4 investigation, make a determination as to whether the complaint  
8 5 is within the board's jurisdiction and whether there is  
8 6 probable cause to believe that the facts and circumstances  
8 7 alleged in the complaint constitute a violation of chapter 21  
8 8 or 22.

8 9 2. If the board finds the complaint is not within the  
8 10 board's jurisdiction or there is no probable cause to believe  
8 11 there has been a violation of chapter 21 or 22, the board shall  
8 12 issue a written order explaining the reasons for the board's  
8 13 findings and dismissing the complaint, and shall transmit a  
8 14 copy to the complainant and to the party against whom the  
8 15 complaint was filed.

8 16 3. If the board finds the complaint is within the board's  
8 17 jurisdiction and there is probable cause to believe there has  
8 18 been a violation of chapter 21 or 22, the board shall issue  
8 19 a written opinion to that effect and refer the matter with  
8 20 recommendation to the attorney general.

8 21 Sec. 13. NEW SECTION. 23.11 Jurisdiction.

8 22 The board shall not have jurisdiction over the judicial  
8 23 or legislative branches of state government or any entity,  
8 24 officer, or employee of those branches.

8 25 Sec. 14. IOWA PUBLIC INFORMATION BOARD ==== TRANSITION  
8 26 PROVISIONS.

8 27 1. The initial members of the Iowa public information board  
8 28 created pursuant to this Act shall be appointed by August 1,  
8 29 2011.

8 30 2. Notwithstanding any provision of this Act to the  
8 31 contrary, the executive director of the board and the assistant  
8 32 to the executive director of the board shall not be hired prior  
8 33 to July 1, 2012.

8 34 3. Prior to January 1, 2012, the board shall submit a report  
8 35 to the governor and the general assembly. The report shall



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9 1 include a job description for the executive director of the  
9 2 board, goals for board operations, and performance measures to  
9 3 measure achievement of the board's goals.

9 4 Sec. 15. EFFECTIVE DATE. Except for the sections of this  
9 5 Act establishing transition provisions for the Iowa public  
9 6 information board, this Act takes effect July 1, 2012.

9 7 EXPLANATION

9 8 This bill relates to violations of Iowa's open records  
9 9 (Code chapter 22) and public meetings (Code chapter 21) laws  
9 10 including the creation of the Iowa public information board,  
9 11 and includes effective date provisions.

9 12 The bill increases civil penalty damage amounts for  
9 13 violations of the open records and public meetings laws for  
9 14 each member of the government body or governmental body or each  
9 15 person who knowingly participated in the violation from not  
9 16 less than \$100 and not more than \$500 to not less than \$1,000  
9 17 and not more than \$2,500 subject to the existing defenses  
9 18 contained in Code sections 21.6 and 22.10. The bill retains  
9 19 the current civil penalty damage amounts for such violations  
9 20 for each member of the governmental body or each person who  
9 21 otherwise participated in the violation (\$100 to \$500). These  
9 22 changes also allow public bodies to rely on advice received  
9 23 from the Iowa public information board without penalty should  
9 24 they be subsequently found by a court to be in violation of  
9 25 Code chapter 21 or 22.

9 26 The bill creates the Iowa public information board as an  
9 27 independent agency to provide an alternative means by which to  
9 28 secure compliance with and enforcement of the requirements of  
9 29 Code chapters 21 and 22.

9 30 The board shall consist of seven members appointed by the  
9 31 governor to be comprised of members from the Iowa broadcasters  
9 32 association, the Iowa freedom of information council, the Iowa  
9 33 newspaper association, the Iowa league of cities, the Iowa  
9 34 state association of counties, the Iowa association of school  
9 35 boards, and the attorney general or the attorney general's





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10 1 designee. Appointments to the board shall not be subject to  
10 2 the political and gender balance requirements in Code sections  
10 3 69.16 and 69.16A. The board shall select one of its members  
10 4 to serve as chairperson and shall hire a director who shall  
10 5 serve as the executive officer of the board. Board members  
10 6 shall be paid a per diem and shall be reimbursed for actual and  
10 7 necessary expenses incurred while on official board business.  
10 8 All per diem and expense moneys paid to board members shall be  
10 9 paid from funds appropriated to the board. The board shall not  
10 10 have jurisdiction over the judicial or legislative branches of  
10 11 state government or any entity, officer, or employee of those  
10 12 branches, but the bill does not alter the current applicability  
10 13 of Code chapters 21 and 22 and the enforcement mechanisms  
10 14 provided in both Code chapters for violations of those Code  
10 15 chapters.

10 16 The bill provides that any aggrieved person or any taxpayer  
10 17 to or citizen of the state of Iowa may seek to exercise their  
10 18 rights under Code chapters 21 and 22 by filing a timely  
10 19 complaint with the board. If a person files an action seeking  
10 20 to enjoin the inspection of a public record, the respondent or  
10 21 person requesting access to the record which is the subject of  
10 22 the request for injunction may stay the proceeding to bring the  
10 23 matter before the board for its formal opinion.

10 24 The bill provides that the board shall have the authority  
10 25 to execute its authority, adopt rules, interpret the  
10 26 requirements of Code chapters 21 and 22, implement any  
10 27 authority delegated to the board, and issue formal opinions  
10 28 to be accorded recognition by the courts of this state as  
10 29 persuasive authority. Such formal opinions issued pursuant to  
10 30 an investigation by the board shall be admitted into evidence  
10 31 in any court proceeding dealing with the same matter. The  
10 32 board shall also have the authority to issue informal advice to  
10 33 anyone concerning the requirements and applicability of Code  
10 34 chapters 21 and 22, receive complaints alleging violations  
10 35 of Code chapter 21 or 22, seek resolution of such complaints



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11 1 through mediation and settlement, formally investigate such  
11 2 complaints, decide after such an investigation whether there is  
11 3 probable cause to believe a violation of Code chapter 21 or 22  
11 4 has occurred, and if probable cause has been found, the board  
11 5 shall issue a written opinion to that effect and refer the  
11 6 matter to the attorney general. The board shall also have the  
11 7 authority to issue subpoenas enforceable in court, represent  
11 8 itself in judicial proceedings, make training opportunities  
11 9 available, disseminate information to inform the public about  
11 10 the public's right to access government information, prepare  
11 11 and transmit reports to the governor and the general assembly,  
11 12 at least annually, describing complaints received, board  
11 13 investigations, opinions rendered, and other work performed by  
11 14 the board, and make recommendations to the general assembly  
11 15 concerning legislation relating to public information access.  
11 16 All complaints filed with the board shall be public records.  
11 17 A filing fee of up to \$50 may be charged complainants, but the  
11 18 fee may be waived and shall be returned if the complaint is  
11 19 found to have merit.  
11 20 The bill provides that upon receipt of a complaint, the  
11 21 board shall either make a determination that, on its face, the  
11 22 complaint is within the board's jurisdiction, appears legally  
11 23 sufficient, and could have merit, in which case the board shall  
11 24 accept the complaint, or make a determination that, on its  
11 25 face, the complaint is not within the board's jurisdiction, is  
11 26 legally insufficient, is frivolous, is without merit, involves  
11 27 harmless error, or relates to a specific incident that has  
11 28 previously been finally disposed of on its merits by the board  
11 29 or a court, in which case the board shall decline to accept the  
11 30 complaint. If the board declines to accept the complaint, the  
11 31 board shall provide the complainant with a written statement  
11 32 detailing the reasons for the denial.  
11 33 After accepting a complaint, and upon the board's  
11 34 determination that the matter is unlikely to be resolved with  
11 35 the prompt informal assistance of a board employee, the board



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12 1 shall offer the parties the opportunity to resolve the dispute  
12 2 through mediation and settlement which shall provide the  
12 3 complainant the opportunity to resolve the dispute with the aid  
12 4 of a neutral mediator employed or selected by the board.  
12 5 If any party declines mediation or settlement or if  
12 6 mediation or settlement fails to resolve the matter to the  
12 7 satisfaction of all parties, the board shall initiate an  
12 8 investigation concerning the facts and circumstances set forth  
12 9 in the complaint. After investigation, the board shall make  
12 10 a determination as to whether the complaint is within the  
12 11 board's jurisdiction and whether there is probable cause to  
12 12 believe that the complaint states a violation of Code chapter  
12 13 21 or 22. If the board finds the complaint is not within the  
12 14 board's jurisdiction or there is not probable cause to believe  
12 15 there has been a violation, the board shall issue a written  
12 16 order explaining the reasons for the board's conclusions and  
12 17 dismissing the complaint. If the board finds the complaint is  
12 18 within the board's jurisdiction and there is probable cause  
12 19 to believe there has been a violation, the board shall issue  
12 20 a written opinion to that effect and refer the matter to the  
12 21 attorney general for enforcement action.  
12 22 The bill provides that the initial members of the board  
12 23 shall be appointed by August 1, 2011, but the executive  
12 24 director and assistant to the executive director shall not be  
12 25 hired prior to July 1, 2012. The board shall submit prior to  
12 26 January 1, 2012, a report to include a job description for the  
12 27 executive director of the board, goals for board operations,  
12 28 and performance measures for the board.  
12 29 Except as otherwise provided, the bill takes effect July 1,  
12 30 2012.

LSB 1487XS (8) 84

rh/rj



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**Senate File 247 - Introduced**

SENATE FILE

BY SODDERS, SENG, HATCH,  
COURTNEY, KIBBIE, and  
BLACK

**A BILL FOR**

1 An Act relating to the allowable uses for modified allowable  
2 growth for programs for returning dropouts and dropout  
3 prevention.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1558XS (7) 84

kh/sc



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1 1 Section 1. Section 257.41, Code 2011, is amended to read as  
1 2 follows:

1 3 257.41 Funding for programs for returning dropouts and  
1 4 dropout prevention.

1 5 1. Budget. The budget of an approved program for returning  
1 6 dropouts and dropout prevention for a school district, after  
1 7 subtracting funds received from other sources for that purpose,  
1 8 shall be funded annually on a basis of one-fourth or more  
1 9 from the district cost of the school district and up to  
1 10 three-fourths by an increase in allowable growth as defined in  
1 11 section 257.8. Annually, the department of management shall  
1 12 establish a modified allowable growth for each such school  
1 13 district equal to the difference between the approved budget  
1 14 for the program for returning dropouts and dropout prevention  
1 15 for that district and the sum of the amount funded from the  
1 16 district cost of the school district plus funds received from  
1 17 other sources.

1 18 2. Appropriate uses of funding. Appropriate uses of the  
1 19 returning dropout and dropout prevention program funding  
1 20 include but are not limited to the following:

1 21 a. Salary and benefits for teachers and guidance counselors  
1 22 of students participating in the dropout prevention programs,  
1 23 alternative programs, and alternative schools if the teacher  
1 24 or counselor is dedicated to working with returning dropouts  
1 25 or students who are deemed, at anytime during the school year,  
1 26 to be at risk of dropping out, to provide services beyond  
1 27 those provided by the school district to students who are not  
1 28 identified as at risk of becoming dropouts. However, if the  
1 29 teacher or counselor is a part-time dropout prevention and  
1 30 part-time regular classroom teacher or counselor, only the  
1 31 portion of time that is related to the returning dropout and  
1 32 dropout prevention program may be charged to the program.

1 33 b. Professional development for all teachers and staff  
1 34 working with at-risk students and programs involving dropout  
1 35 prevention strategies.



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2 1 c. Research-based resources, materials, software, supplies,  
2 2 and purchased services that meet all of the following criteria:  
2 3 (1) Meet the needs of kindergarten through grade twelve  
2 4 students identified as at risk of dropping out and of returning  
2 5 dropouts.  
2 6 (2) Are beyond those provided by the regular school program.  
2 7 (3) Are necessary to provide the services listed in the  
2 8 school district's dropout prevention plan.  
2 9 (4) Will remain with the kindergarten through grade twelve  
2 10 returning dropout and dropout prevention program.  
2 11 d. Are administrative costs related to the returning dropout  
2 12 and dropout prevention program.

2 13 EXPLANATION

2 14 This bill codifies the department of education's rules that  
2 15 specify the appropriate uses of the returning dropout and  
2 16 dropout prevention program funding for school districts as  
2 17 authorized by the department of education, but modifies the  
2 18 list of appropriate uses by adding that administrative costs  
2 19 related to the returning dropout and dropout prevention program  
2 20 are an appropriate use of the funding. Under the department's  
2 21 rules, administrative costs other than those related to a  
2 22 separate school located off site, and where the administrator  
2 23 is assigned exclusively to this program, are an inappropriate  
2 24 use of the funding.

2 25 Appropriate uses of funding as specified by both the  
2 26 department's administrative rules and the bill include salary  
2 27 and benefits for teachers and guidance counselors when those  
2 28 persons are dedicated to working with returning dropouts or  
2 29 students who are deemed, at anytime during the school year,  
2 30 to be at risk of dropping out, to provide services beyond  
2 31 those provided by the school district to students generally;  
2 32 professional development for all teachers and staff working  
2 33 with at-risk students and programs involving dropout prevention  
2 34 strategies; and research-based resources, materials, software,  
2 35 supplies, and purchased services that meet criteria specified



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3 1 in the bill.  
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**Senate File 248 - Introduced**

SENATE FILE  
BY SODDERS

**A BILL FOR**

1 An Act providing for a small employer health insurance tax  
2 credit as a percentage of the federal credit and including  
3 retroactive applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1899XS (3) 84  
tw/sc





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1 1 Section 1. NEW SECTION. 422.12A Small employer health  
1 2 insurance tax credit.  
1 3 1. The taxes imposed under this division, less the credits  
1 4 allowed under section 422.12, shall be reduced by a small  
1 5 employer health insurance tax credit equal to twenty-five  
1 6 percent of the federal small employer health insurance tax  
1 7 credit provided in section 45R of the Internal Revenue Code.  
1 8 The tax credit provided in this section is available to  
1 9 eligible small employers.  
1 10 2. Any credit in excess of the tax liability is refundable.  
1 11 3. For purposes of this section, "eligible small employer"  
1 12 means a taxpayer who has ten or fewer full-time employees and  
1 13 who otherwise meets the requirements of the small employer  
1 14 health insurance tax credit allowed under section 45R of the  
1 15 Internal Revenue Code.  
1 16 Sec. 2. Section 422.33, Code 2011, is amended by adding the  
1 17 following new subsection:  
1 18 NEW SUBSECTION. 13. The taxes imposed under this division  
1 19 shall be reduced by a small employer health insurance tax  
1 20 credit authorized pursuant to section 422.12A.  
1 21 Sec. 3. RETROACTIVE APPLICABILITY. This Act applies  
1 22 retroactively to January 1, 2011, for tax years beginning on  
1 23 or after that date.

1 24 EXPLANATION

1 25 The federal Patient Protection and Affordable Care Act (Pub.  
1 26 L. No. 111=148) provided for a small employer health insurance  
1 27 income tax credit of up to 50 percent for eligible small  
1 28 employers. This bill provides for a credit against Iowa income  
1 29 tax liability in an amount equal to 25 percent of the federal  
1 30 credit for employers with 10 or fewer full-time employees.  
1 31 The tax credit is refundable and is available against the  
1 32 individual and corporate income taxes.  
1 33 The bill applies retroactively to January 1, 2011, for tax  
1 34 years beginning on or after that date.

LSB 1899XS (3) 84

tw/sc



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**Senate File 249 - Introduced**

SENATE FILE  
BY JOCHUM

**A BILL FOR**

1 An Act relating to recycling by repealing beverage container  
2 control laws, creating universal recycling requirements,  
3 increasing littering fines, changing waste volume reduction  
4 goals, implementing a recycling fee, making appropriations,  
5 and making penalties applicable.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1539XS (12) 84

tm/nh



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1 1 DIVISION I  
1 2 BOTTLE BILL REPEAL  
1 3 Section 1. Section 123.24, subsection 5, Code 2011, is  
1 4 amended to read as follows:  
1 5 5. Notwithstanding subsection 4, the division shall assess  
1 6 a bottle surcharge to be included in the price of alcoholic  
1 7 liquor in an amount sufficient, ~~when added to the amount not~~  
~~1 8 refunded to class "E" liquor control licensees pursuant to~~  
~~1 9 section 455C.2,~~ to pay the costs incurred by the division for  
1 10 collecting and properly disposing of the liquor containers.  
1 11 The amount collected pursuant to this subsection, ~~in addition~~  
~~1 12 to any amounts not refunded to class "E" liquor control~~  
~~1 13 licensees pursuant to section 455C.2,~~ shall be deposited in the  
1 14 beer and liquor control fund established under section 123.53.  
1 15 Sec. 2. Section 123.26, Code 2011, is amended to read as  
1 16 follows:  
1 17 123.26 Restrictions on sales ==== seals ==== labeling.  
1 18 Alcoholic liquor shall not be sold by a class "E" liquor  
1 19 control licensee except in a sealed container with identifying  
1 20 markers as prescribed by the administrator and affixed in the  
1 21 manner prescribed by the administrator, and no such container  
1 22 shall be opened upon the premises of a state warehouse. ~~The~~  
~~1 23 division shall cooperate with the department of natural~~  
~~1 24 resources so that only one identifying marker or mark is needed~~  
~~1 25 to satisfy the requirements of this section and section 455C.5,~~  
~~1 26 subsection 1.~~ Possession of alcoholic liquors which do not  
1 27 carry the prescribed identifying markers is a violation of this  
1 28 chapter except as provided in section 123.22.  
1 29 Sec. 3. Section 123.187, subsection 4, paragraph b, Code  
1 30 2011, is amended by striking the paragraph.  
1 31 Sec. 4. Section 423.6, subsection 3, paragraph a, Code 2011,  
1 32 is amended to read as follows:  
1 33 a. Any tangible personal property including containers which  
1 34 it is intended shall, by means of fabrication, compounding,  
1 35 manufacturing, or germination, become an integral part of other



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2 1 tangible personal property intended to be sold ultimately at  
2 2 retail, ~~and containers used in the collection, recovery, or~~  
~~2 3 return of empty beverage containers subject to chapter 455C.~~  
2 4 Sec. 5. Section 455A.4, subsection 1, paragraph b, Code  
2 5 2011, is amended to read as follows:  
2 6 b. Provide overall supervision, direction, and coordination  
2 7 of functions to be administered by the administrators under  
2 8 chapters 321G, 321I, 455B, ~~455C~~, 456, 456A, 456B, 457A, 458A,  
2 9 459, 459A, 459B, 461A, 462A, 462B, 464A, 465C, 473, 481A, 481B,  
2 10 483A, 484A, and 484B.  
2 11 Sec. 6. Section 455A.6, subsection 6, paragraphs a, b, and  
2 12 d, Code 2011, are amended to read as follows:  
2 13 a. Establish policy for the department and adopt rules,  
2 14 pursuant to chapter 17A, necessary to provide for the effective  
2 15 administration of chapter 455B, ~~455C~~, or 459.  
2 16 b. Hear appeals in contested cases pursuant to chapter 17A  
2 17 on matters relating to actions taken by the director under  
2 18 chapter ~~455C~~, 458A, 464B, or 473.  
2 19 d. Approve the budget request prepared by the director  
2 20 for the programs authorized by chapters 455B, ~~455C~~, 455E,  
2 21 455F, 455H, and 459, subchapters II and III. The commission  
2 22 shall approve the budget request prepared by the director for  
2 23 programs subject to the rulemaking authority of the commission.  
2 24 The commission may increase, decrease, or strike any item  
2 25 within the department budget request for the specified programs  
2 26 before granting approval.  
2 27 Sec. 7. Section 455B.313, subsection 1, Code 2011, is  
2 28 amended to read as follows:  
2 29 1. A distributor ~~as defined in section 455C.1, subsection~~  
~~2 30 9~~, shall not sell or offer to sell any beverage container  
2 31 if the beverage container is connected to another beverage  
2 32 container by a device constructed of a material which is  
2 33 not biodegradable or photodegradable. For purposes of this  
2 34 section, "distributor" means any person who engages in the sale  
2 35 of beverages in beverage containers to a dealer in this state,



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3 1 including any manufacturer who engages in such sales.  
3 2 Sec. 8. REPEAL. Chapter 455C, Code 2011, is repealed.  
3 3 DIVISION II  
3 4 UNIVERSAL RECYCLING  
3 5 Sec. 9. Section 455B.301, subsections 3 and 4, Code 2011,  
3 6 are amended by striking the subsections and inserting in lieu  
3 7 thereof the following:  
3 8 3. "Beverage" includes but is not limited to wine, alcoholic  
3 9 liquor, and beer, all as defined in section 123.3, and any  
3 10 nonalcoholic carbonated or noncarbonated drinks, excluding  
3 11 grade "A" milk and milk products as specified in the grade "A"  
3 12 pasteurized milk ordinance, as provided in section 192.102, in  
3 13 liquid form and intended for human consumption. "Beverage" does  
3 14 not include any of the following:  
3 15 a. A liquid that is any of the following:  
3 16 (1) A syrup.  
3 17 (2) In a concentrated form.  
3 18 (3) Typically added as a minor flavoring ingredient in  
3 19 food or drink, such as extracts, cooking additives, sauces, or  
3 20 condiments.  
3 21 b. A liquid that is ingested in very small quantities and  
3 22 consumed for medicinal purposes only.  
3 23 c. A liquid that is designated and consumed only as a  
3 24 nutritional supplement, as defined by the department, and not  
3 25 as a beverage.  
3 26 d. Products frozen at the time of sale to the consumer,  
3 27 or, in the case of institutional users such as hospitals and  
3 28 nursing homes, at a time of sale to such users.  
3 29 e. Products designed to be consumed in a frozen state.  
3 30 f. Instant drink powders.  
3 31 g. Seafood, meat, or vegetable broths or soups but not  
3 32 juices.  
3 33 h. Farm-produced apple cider that has not been heated,  
3 34 pasteurized, or otherwise processed.  
3 35 i. Infant formula.



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4 1 4. "Beverage container" means any bottle, can, jar, or  
4 2 other container made of glass, metal, or plastic containing a  
4 3 beverage which has been sealed by a manufacturer. "Beverage  
4 4 container" for noncarbonated drinks, excluding alcoholic  
4 5 liquor, wine, and fruit juices and drinks, includes only  
4 6 those containers with a maximum capacity of not more than two  
4 7 liters and not less than one hundred forty-seven milliliters.  
4 8 "Beverage containers" made of high-density polyethylene for  
4 9 fruit juices and drinks includes only those containers with a  
4 10 maximum capacity of less than one-half gallon.  
4 11 Sec. 10. Section 455B.301, Code 2011, is amended by adding  
4 12 the following new subsections:  
4 13 NEW SUBSECTION. 4A. "Beverage manufacturer" means a person  
4 14 who bottles, cans, or otherwise fills beverage containers for  
4 15 sale to distributors or dealers.  
4 16 NEW SUBSECTION. 7A. "Dealer" means a person who engages in  
4 17 the sale of beverages in beverage containers to a consumer.  
4 18 NEW SUBSECTION. 8A. "Distributor" means a person who  
4 19 engages in the sale of beverages in beverage containers to a  
4 20 dealer in this state, including a beverage manufacturer who  
4 21 engages in such sales.  
4 22 NEW SUBSECTION. 13A. "On-premises sale" means a sales  
4 23 transaction in which a beverage in a beverage container is  
4 24 purchased by a consumer for immediate consumption within the  
4 25 area under the control of the dealer.  
4 26 NEW SUBSECTION. 18A. "Recyclable material" means any  
4 27 material or group of materials that can be collected and sold  
4 28 or used for recycling purposes. Beginning July 1, 2016,  
4 29 "recyclable material" shall include all organic waste.  
4 30 NEW SUBSECTION. 22A. "Single stream recycling" means  
4 31 a system in which recyclable material is commingled for  
4 32 collection into one container instead of being sorted into  
4 33 separate commodities.  
4 34 NEW SUBSECTION. 23A. "Source-separated recycling" means  
4 35 a system in which recyclable material is segregated at the



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5 1 point of generation and kept apart from the waste stream by the  
5 2 generator of the recyclable material for purposes of collection  
5 3 and recycling.

5 4 Sec. 11. Section 455B.304, Code 2011, is amended by adding  
5 5 the following new subsection:

5 6 NEW SUBSECTION. 20. The commission shall adopt rules  
5 7 necessary for the administration of sections 455B.321 through  
5 8 455B.324.

5 9 Sec. 12. Section 455B.306, subsection 1, paragraph a, Code  
5 10 2011, is amended to read as follows:

5 11 a. All cities and counties shall also file with the director  
5 12 a comprehensive plan detailing the method by which the city or  
5 13 county will comply with the requirements of section 455B.302 to  
5 14 establish and implement a comprehensive solid waste reduction  
5 15 program for its residents and with the requirements of section  
5 16 455B.321.

5 17 Sec. 13. Section 455B.306, subsection 5, paragraph a, Code  
5 18 2011, is amended to read as follows:

5 19 a. The extent to which solid waste is or can be recycled  
5 20 through compliance with the requirements of section 455B.321 as  
5 21 well as any other method.

5 22 Sec. 14. Section 455B.306, subsection 6, Code 2011, is  
5 23 amended to read as follows:

5 24 6. The comprehensive plan shall provide details of ~~a local~~  
~~5 25 recycling program which shall contain a methodology for meeting~~  
~~5 26 the state volume reduction goal pursuant to section 455D.3,~~  
~~5 27 and a methodology for implementing a program of separation of~~  
~~5 28 wastes including but not limited to glass, plastic, paper, and~~  
~~5 29 metal~~ compliance with the requirements of section 455B.321.

5 30 Sec. 15. NEW SECTION. 455B.321 Universal recycling.

5 31 1. Beginning July 1, 2012, cities, counties, and public and  
5 32 private agencies responsible for waste management shall provide  
5 33 all of the following services:

5 34 a. Single stream recycling collection services to all  
5 35 single-family residential customers, including the delivery



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6 1 of a container for the purpose of storage and collection of  
6 2 recyclable material that is adequately sized for the customers  
6 3 to use so that recycling is encouraged and disposal of  
6 4 recyclable material is discouraged. The collection services  
6 5 required under this paragraph shall be provided at a frequency  
6 6 of not less than once every other week.

6 7     b. Source=separated recycling collection services to all  
6 8 dealers providing on=premises sales, including the delivery  
6 9 of a container for recyclable material that is adequately  
6 10 sized for the premises being served. The collection services  
6 11 required under this paragraph shall be provided at a frequency  
6 12 that shall preclude the recycling containers from overflowing  
6 13 and otherwise causing a nuisance.

6 14     2. a. Beginning July 1, 2014, cities, counties, and public  
6 15 and private agencies responsible for waste management shall  
6 16 provide single stream recycling collection services to all  
6 17 multifamily residential customers, including providing the  
6 18 multifamily residential complex with an appropriately sized and  
6 19 centrally located recyclable material collection container for  
6 20 the complex being served which is in the same vicinity as the  
6 21 complex's waste disposal containers. The collection services  
6 22 required under this subsection shall be provided at a frequency  
6 23 that shall preclude the recycling containers from overflowing  
6 24 and otherwise causing a nuisance.

6 25     b. The director may approve a waiver from the requirements  
6 26 of paragraph "a" if the waiver applicant can demonstrate  
6 27 physical constraints preventing the placement of solid waste  
6 28 and recyclable material collection containers at the same  
6 29 location.

6 30     c. Owners of a multifamily residential complex shall, at  
6 31 least once per calendar year, provide residents of the complex  
6 32 with instructions on participating in the complex's recycling  
6 33 program.

6 34     3. By July 1, 2012, the department shall submit a report  
6 35 to the governor and the general assembly regarding the





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7 1 implementation of mandatory recycling collection requirements  
7 2 for the commercial sector. The recommendations shall provide a  
7 3 method for engaging the active participation of the commercial  
7 4 sector in a comprehensive recycling program by not later than  
7 5 July 1, 2014.  
7 6 4. A person engaging in the collection, transportation,  
7 7 processing, or marketing of recyclable materials from  
7 8 source-separated recycling shall conduct such activities in a  
7 9 manner that recyclable materials enter the marketplace and are  
7 10 not otherwise disposed at a landfill or by incineration.  
7 11 Sec. 16. NEW SECTION. 455B.322 Universal recycling  
7 12 assistance program.  
7 13 The department shall establish and administer a universal  
7 14 recycling assistance program for purposes of providing  
7 15 financial assistance to cities, counties, and public and  
7 16 private entities for the initial implementation costs  
7 17 associated with the requirements of section 455B.321.  
7 18 Financial assistance shall take the form of grants and low  
7 19 interest loans.  
7 20 Sec. 17. NEW SECTION. 455B.323 Universal recycling  
7 21 assistance fund.  
7 22 1. A universal recycling assistance fund is created in the  
7 23 state treasury under the control of the department consisting  
7 24 of moneys deposited in the fund pursuant to section 455B.324,  
7 25 moneys appropriated by the general assembly, and any other  
7 26 money available to and obtained or accepted by the department  
7 27 for placement in the fund.  
7 28 2. Payments of interest, repayments of moneys loaned  
7 29 pursuant to this section, and recaptures of loans shall be  
7 30 deposited in the fund.  
7 31 3. Moneys in the fund are appropriated to the department for  
7 32 purposes of providing financial assistance under the universal  
7 33 recycling assistance program pursuant to section 455B.322.  
7 34 4. Moneys credited to the fund are not subject to section  
7 35 8.33. Notwithstanding section 12C.7, interest or earnings on



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8 1 moneys in the fund shall be credited to the fund.  
8 2 Sec. 18. NEW SECTION. 455B.324 Recycling fee ==== future  
8 3 repeal.  
8 4 1. A recycling fee of four cents shall be paid by a dealer  
8 5 to the distributor on each beverage container received by  
8 6 the dealer. On a monthly basis and in a manner determined  
8 7 by the department, a distributor shall remit all such fees  
8 8 collected by the distributor to the department for deposit in  
8 9 the universal recycling assistance fund created in section  
8 10 455B.323. The remitted fees shall be accompanied by a report  
8 11 verifying the units sold during the previous month as well as  
8 12 any other information required by the department.  
8 13 2. This section is repealed June 30, 2015.  
8 14 Sec. 19. NEW SECTION. 455B.325 Recycling public advisory  
8 15 council.  
8 16 1. A recycling public advisory council is established  
8 17 within the department. The department shall provide the  
8 18 council with staff and administrative support. The council  
8 19 shall consist of all of the following members:  
8 20 a. The director of the department of natural resources, or  
8 21 the director's designee, who shall serve as the chairperson of  
8 22 the council.  
8 23 b. One member representing county government.  
8 24 c. One member representing city government.  
8 25 d. One member representing the recycling industry.  
8 26 e. One member representing the waste hauling industry.  
8 27 f. One member representing the soft drink industry.  
8 28 g. One member representing the alcoholic beverage industry.  
8 29 h. One member representing a local chamber of commerce.  
8 30 i. One member representing the restaurant industry.  
8 31 j. One member representing the food industry.  
8 32 k. Five members of the general public.  
8 33 2. Except for the member named pursuant to subsection 1,  
8 34 paragraph "a", all members of the council shall be appointed by  
8 35 the governor and shall serve three=year staggered terms with



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9 1 the initial staggering of the terms to be determined by the  
9 2 governor. A member shall not serve more than two consecutive  
9 3 terms. Vacancies shall be filled for the remainder of the  
9 4 original appointment. The appointments shall coordinated to  
9 5 meet the requirements of sections 69.16 and 69.16A.

9 6 3. The council shall advise the department regarding all of  
9 7 the following issues:

9 8 a. Recycling issues.

9 9 b. Criteria for financial assistance under the universal  
9 10 recycling assistance program pursuant to section 455B.322.

9 11 c. Criteria for grants from the litter cleanup grant fund  
9 12 created in section 455B.326.

9 13 d. A methodology for measuring waste volume reduction.

9 14 e. Recycling outreach and education.

9 15 DIVISION III

9 16 LITTERING FINES ==== LITTER CLEANUP GRANTS

9 17 Sec. 20. NEW SECTION. 455B.326 Litter cleanup grant fund.

9 18 1. A litter cleanup grant fund is created in the state  
9 19 treasury under the control of the department consisting of  
9 20 moneys deposited in the fund pursuant to section 602.8108,  
9 21 subsection 9, moneys appropriated by the general assembly, and  
9 22 any other money available to and obtained or accepted by the  
9 23 department for placement in the fund.

9 24 2. Moneys in the fund are appropriated to the department  
9 25 for purposes of providing grants to nonprofit organizations for  
9 26 litter cleanup activities in neighborhoods and along highways.

9 27 3. Moneys credited to the fund are not subject to section  
9 28 8.33. Notwithstanding section 12C.7, interest or earnings on  
9 29 moneys in the fund shall be credited to the fund.

9 30 Sec. 21. Section 602.8108, subsection 9, Code 2011, is  
9 31 amended to read as follows:

9 32 9. The state court administrator shall allocate ~~fifty one~~  
9 33 hundred percent of all of the fines attributable to littering  
9 34 citations issued pursuant to sections 321.369, 321.370, and  
9 35 461A.43 to the treasurer of state for deposit in the general



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10 1 fund of the state ~~and~~. Fifty percent of such moneys are  
10 2 appropriated to the ~~state~~ department of transportation for  
10 3 purposes of the cleanup of litter and illegally discarded solid  
10 4 waste and fifty percent of such moneys are appropriated to  
10 5 the department of natural resources for deposit in the litter  
10 6 cleanup grant fund created in section 455B.326.

10 7 Sec. 22. Section 805.8A, subsection 14, paragraph d, Code  
10 8 2011, is amended to read as follows:

10 9 d. Litter and debris violations. For violations under  
10 10 sections 321.369 and 321.370, the scheduled fine is ~~seventy one~~  
10 11 hundred fifty dollars.

10 12 Sec. 23. Section 805.8B, subsection 6, paragraph e, Code  
10 13 2011, is amended to read as follows:

10 14 e. For violations under section 461A.43, the scheduled fine  
10 15 is ~~thirty~~ seventy=five dollars.

10 16 DIVISION IV

10 17 WASTE REDUCTION GOALS

10 18 Sec. 24. Section 455B.310, subsection 4, unnumbered  
10 19 paragraph 1, Code 2011, is amended to read as follows:

10 20 If a planning area achieves the ~~fifty sixty~~ percent waste  
10 21 reduction goal provided in section 455D.3, ninety=five cents of  
10 22 the tonnage fee shall be retained by a city, county, or public  
10 23 or private agency. If the ~~fifty sixty~~ percent waste reduction  
10 24 goal has not been met, one dollar and twenty cents of the  
10 25 tonnage fee shall be retained by a city, county, or public or  
10 26 private agency. Moneys retained by a city, county, or public  
10 27 or private agency shall be used as follows:

10 28 Sec. 25. Section 455B.310, subsection 4, paragraph b, Code  
10 29 2011, is amended to read as follows:

10 30 b. If a planning area achieves the ~~fifty sixty~~ percent waste  
10 31 reduction goal provided in section 455D.3, forty=five cents of  
10 32 the retained funds shall be used for implementing waste volume  
10 33 reduction and recycling requirements of comprehensive plans  
10 34 filed under section 455B.306. If the ~~fifty sixty~~ percent waste  
10 35 reduction goal has not been met, seventy cents of the retained



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11 1 funds shall be used for implementing waste volume reduction  
11 2 and recycling requirements of comprehensive plans filed under  
11 3 section 455B.306. The funds shall be distributed to a city,  
11 4 county, or public agency served by the sanitary disposal  
11 5 project. Fees collected by a private agency which provides  
11 6 for the final disposal of solid waste shall be remitted to the  
11 7 city, county, or public agency served by the sanitary disposal  
11 8 project. However, if a private agency is designated to develop  
11 9 and implement the comprehensive plan pursuant to section  
11 10 455B.306, fees under this paragraph shall be retained by the  
11 11 private agency.

11 12 Sec. 26. Section 455B.310, subsection 7, Code 2011, is  
11 13 amended to read as follows:

11 14 7. Fees imposed by this section shall be paid to the  
11 15 department on a quarterly basis with payment due by no more  
11 16 than ninety days following the quarter during which the fees  
11 17 were collected. The payment shall be accompanied by a return  
11 18 which shall identify the amount of fees to be allocated to  
11 19 the landfill alternative financial assistance program, the  
11 20 amount of fees, in terms of cents per ton, retained for meeting  
11 21 waste reduction and recycling goals under section 455D.3, and  
11 22 additional fees imposed for failure to meet the ~~twenty-five~~  
~~11 23~~ fifty percent waste reduction and recycling goal under section  
11 24 455D.3. Sanitary landfills serving more than one planning area  
11 25 shall submit separate reports for each planning area.

11 26 Sec. 27. Section 455D.3, Code 2011, is amended to read as  
11 27 follows:

11 28 455D.3 Goals for waste stream reduction ==== procedures ====  
11 29 reductions and increases in fees.

11 30 1. Year ~~1994~~ 2016 and ~~2000~~ 2021 goals.

11 31 a. The goal of the state is to reduce the amount of  
11 32 materials in the waste stream, existing as of July 1, ~~1988~~  
~~11 33~~ 2011, ~~twenty-five~~ fifty percent by July 1, ~~1994~~ 2016, and ~~fifty~~  
~~11 34~~ sixty percent by July 1, ~~2000~~ 2021, through the practice of  
11 35 waste volume reduction at the source and through recycling.



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12 1 For the purposes of this section, "waste stream" means the  
12 2 disposal of solid waste as "solid waste" is defined in section  
12 3 455B.301.  
12 4 b. Notwithstanding section 455D.1, subsection 6, facilities  
12 5 which employ combustion of solid waste with energy recovery  
12 6 and refuse=derived fuel, which are included in an approved  
12 7 comprehensive plan, may include these processes in the  
12 8 definition of recycling for the purpose of meeting the state  
12 9 goal if at least thirty=five percent of the waste reduction  
12 10 goal, required to be met by July 1, ~~2000~~ 2021, pursuant to  
12 11 this section, is met through volume reduction at the source  
12 12 and recycling and reuse, as established pursuant to section  
12 13 455B.301A, subsection 1, paragraphs "a" and "b".  
12 14 2. Projected waste stream ==== year ~~2000~~ 2021. A planning  
12 15 area may request the department to allow the planning area to  
12 16 project the planning area's waste stream for the year ~~2000~~  
~~12 17~~ 2021 for purposes of meeting the year ~~2000~~ ~~fifty~~ 2021 ~~sixty~~  
12 18 percent waste volume reduction and recycling goals required  
12 19 by this section. The department shall make a determination  
12 20 of the eligibility to use this option based upon the annual  
12 21 tonnage of solid waste processed by the planning area and  
12 22 the population density of the area the planning area serves.  
12 23 If the department agrees to allow the planning area to make  
12 24 year ~~2000~~ 2021 waste stream projections, the planning area  
12 25 shall calculate the year ~~2000~~ 2021 projections and submit the  
12 26 projections to the department for approval. The planning area  
12 27 shall use data which is current as of July 1, ~~1994~~ 2011, and  
12 28 shall take into account population, employment, and industrial  
12 29 changes and documented diversions due to existing programs.  
12 30 The planning area shall use the departmental methodology to  
12 31 calculate the tonnage necessary to be diverted from landfills  
12 32 in order to meet the year ~~2000~~ ~~fifty~~ 2021 ~~sixty~~ percent waste  
12 33 volume reduction and recycling goals required by this section.  
12 34 Once the department approves the year ~~2000~~ 2021 projections,  
12 35 the projections shall not be changed prior to the year ~~2001~~



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~~13~~ ~~1~~ 2022.

13 2 3. Departmental monitoring.

13 3 a. (1) By October 31, ~~1994~~ 2016, a planning area shall  
13 4 submit to the department a solid waste abatement table which is  
13 5 updated through June 30, ~~1994~~ 2016. By April 1, ~~1995~~ 2017, the  
13 6 department shall report to the general assembly on the progress  
13 7 that has been made by each planning area on attainment of the  
13 8 July 1, ~~1994~~, ~~twenty-five~~ 2016, ~~fifty~~ percent goal.

13 9 (2) If at any time the department determines that a planning  
13 10 area has met or exceeded the ~~twenty-five~~ ~~fifty~~ percent goal,  
13 11 but has not met or exceeded the ~~fifty~~ ~~sixty~~ percent goal, a  
13 12 planning area shall subtract sixty cents from the total amount  
13 13 of the tonnage fee imposed pursuant to section 455B.310. If at  
13 14 any time the department determines that a planning area has met  
13 15 or exceeded the ~~fifty~~ ~~sixty~~ percent goal, a planning area shall  
13 16 subtract fifty cents from the total amount of the tonnage fee  
13 17 imposed pursuant to section 455B.310. The reduction in tonnage  
13 18 fees pursuant to this paragraph shall be taken from that  
13 19 portion of the tonnage fees which would have been allocated for  
13 20 funding alternatives to landfills pursuant to section 455E.11,  
13 21 subsection 2, paragraph "a", subparagraph (1).

13 22 (3) If the department determines that a planning area  
13 23 has failed to meet the July 1, ~~1994~~, ~~twenty-five~~ 2016, ~~fifty~~  
13 24 percent goal, the planning area shall, at a minimum, implement  
13 25 the solid waste management techniques as listed in subsection  
13 26 4. Evidence of implementation of the solid waste management  
13 27 techniques shall be documented in subsequent comprehensive  
13 28 plans submitted to the department.

13 29 b. (1) By October 31, ~~2000~~ 2021, a planning area shall  
13 30 submit to the department, a solid waste abatement table which  
13 31 is updated through June 30, ~~2000~~ 2021. By April 1, ~~2001~~ 2022,  
13 32 the department shall report to the general assembly on the  
13 33 progress that has been made by each planning area on attainment  
13 34 of the July 1, ~~2000~~, ~~fifty~~ 2021, ~~sixty~~ percent goal.

13 35 (2) If at any time the department determines that a planning



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14 1 area has met or exceeded the ~~fifty~~ sixty percent goal, the  
14 2 planning area shall subtract fifty cents from the total amount  
14 3 of the tonnage fee imposed pursuant to section 455B.310. This  
14 4 amount shall be in addition to any amount subtracted pursuant  
14 5 to paragraph "a" of this subsection. The reduction in tonnage  
14 6 fees pursuant to this paragraph shall be taken from that  
14 7 portion of the tonnage fees which would have been allocated to  
14 8 funding alternatives to landfills pursuant to section 455E.11,  
14 9 subsection 2, paragraph "a", subparagraph (1). Except for fees  
14 10 required under subsection 4, paragraph "a", a planning area  
14 11 failing to meet the ~~fifty~~ sixty percent goal is not required to  
14 12 remit any additional tonnage fees to the department.  
14 13 4. Solid waste management techniques. A planning area  
14 14 that fails to meet the ~~twenty-five~~ fifty percent goal shall  
14 15 implement the following solid waste management techniques:  
14 16 a. Remit fifty cents per ton to the department, as of July  
14 17 1, 1995. The funds shall be deposited in the solid waste  
14 18 account under section 455E.11, subsection 2, paragraph "a",  
14 19 to be used for funding alternatives to landfills pursuant to  
14 20 section 455E.11, subsection 2, paragraph "a", subparagraph (1).  
14 21 Moneys under this paragraph shall be remitted until such time  
14 22 as evidence of attainment of the ~~twenty-five~~ fifty percent goal  
14 23 is documented in subsequent comprehensive plans submitted to  
14 24 the department.  
14 25 b. Notify the public of the planning area's failure to meet  
14 26 the waste volume reduction goals of this section, utilizing  
14 27 standard language developed by the department for that purpose.  
14 28 c. Develop draft ordinances which shall be used by local  
14 29 governments for establishing collection fees that are based  
14 30 on volume or on the number of containers used for disposal by  
14 31 residents.  
14 32 d. Conduct an educational and promotional program to inform  
14 33 citizens of the manner and benefits of reducing, reusing, and  
14 34 recycling materials and the procurement of products made with  
14 35 recycled content. The program shall include the following:





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15 1 (1) Targeted waste reduction and recycling education for  
15 2 residents, including multifamily dwelling complexes having five  
15 3 or more units.

15 4 (2) An intensive one=day seminar for the commercial sector  
15 5 regarding the benefits of and opportunities for waste reduction  
15 6 and recycling.

15 7 (3) Promotion of recycling through targeted community and  
15 8 media events.

15 9 (4) Recycling notification and education packets to all new  
15 10 residential, commercial, and institutional collection service  
15 11 customers that include, at a minimum, the manner of preparation  
15 12 of materials for collection, and the reasons for separation of  
15 13 materials for recycling.

15 14 5. Environmental management systems. A planning area  
15 15 designated as an environmental management system pursuant to  
15 16 section 455J.7 is exempt from the waste stream reduction goals  
15 17 of this section.

15 18 6. By November 1 of each year, the department shall submit  
15 19 a report to the governor and the general assembly regarding the  
15 20 progress of planning areas in meeting the waste reduction goals  
15 21 of this section.

15 22 DIVISION V

15 23 STATE MANDATE

15 24 Sec. 28. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
15 25 3, shall not apply to this Act.

15 26 EXPLANATION

15 27 This bill relates to recycling by repealing beverage  
15 28 container control laws, creating universal recycling  
15 29 requirements, increasing littering fines, changing waste  
15 30 volume reduction goals, implementing a recycling fee, making  
15 31 appropriations, and making penalties applicable. The bill is  
15 32 organized by divisions.

15 33 BOTTLE BILL REPEAL. This division repeals Code chapter 455C  
15 34 relating to the control of beverage containers, more commonly  
15 35 known as the bottle bill. The division makes conforming



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16 1 amendments.

16 2       UNIVERSAL RECYCLING. This division creates mandatory  
16 3 recycling collection requirements called universal recycling.  
16 4       Beginning July 1, 2012, the division requires cities,  
16 5 counties, and public and private agencies responsible for  
16 6 waste management to provide single stream recycling collection  
16 7 services to all single-family residential customers and  
16 8 source-separated recycling collection services to all dealers  
16 9 providing on-premises sales. A dealer is a person who sells  
16 10 beverages in beverage containers. Single stream recycling  
16 11 is a system in which recyclable material is commingled for  
16 12 collection into one container instead of being sorted into  
16 13 separate commodities. Source-separated recycling is a system  
16 14 in which recyclable material is segregated at the point  
16 15 of generation and kept apart from the waste stream by the  
16 16 generator of the recyclable material.

16 17       Beginning July 1, 2014, the division requires cities,  
16 18 counties, and public and private agencies responsible for  
16 19 waste management to provide single stream recycling collection  
16 20 services to all multifamily residential customers. The  
16 21 division allows a waiver from the requirements if the waiver  
16 22 applicant can demonstrate physical constraints preventing the  
16 23 placement of solid waste and recyclable material collection  
16 24 containers at the same location. The division requires  
16 25 annual recycling instruction to be provided to residents at a  
16 26 multifamily residential complex.

16 27       By July 1, 2012, the division requires the department of  
16 28 natural resources to submit a report to the governor and the  
16 29 general assembly regarding the implementation of mandatory  
16 30 recycling collection requirements for the commercial sector.  
16 31 The recommendations must provide a method for engaging  
16 32 the active participation of the commercial sector in a  
16 33 comprehensive recycling program by not later than July 1, 2014.

16 34       The division requires cities and counties to include  
16 35 compliance with the universal recycling requirements as part of



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17 1 the solid waste comprehensive plans filed with the department.  
17 2 Currently, a person who knowingly makes a false statement or  
17 3 representation in a comprehensive plan is guilty of a serious  
17 4 misdemeanor.  
17 5 The division requires the department to establish and  
17 6 administer a universal recycling assistance program for  
17 7 purposes of providing financial assistance to cities, counties,  
17 8 and public and private entities for the initial implementation  
17 9 costs associated with the universal recycling requirements.  
17 10 The division creates a universal recycling assistance fund and  
17 11 appropriates moneys in the fund to the department for providing  
17 12 financial assistance under the program.  
17 13 The division requires a recycling fee of 4 cents to be  
17 14 paid by the dealer to the distributor on each beverage  
17 15 container received by the dealer. On a monthly basis and  
17 16 in a manner determined by the department, the division  
17 17 requires a distributor to remit all fees collected by the  
17 18 distributor to the department for deposit in the universal  
17 19 recycling assistance fund. The division includes a reporting  
17 20 requirement. The fee is repealed June 30, 2015. For purposes  
17 21 of the bill, the term "beverage" is defined to include wine,  
17 22 alcoholic liquor, beer, and any nonalcoholic carbonated and  
17 23 noncarbonated drink excluding grade "A" milk and milk products  
17 24 specified in the grade "A" milk ordinance. The term also  
17 25 includes certain exemptions.  
17 26 The division creates a recycling public advisory board for  
17 27 purposes of advising the department regarding recycling issues,  
17 28 criteria for financial assistance under the universal recycling  
17 29 assistance program, criteria for grants from the litter cleanup  
17 30 grant fund, a methodology for measuring waste volume reduction,  
17 31 and recycling outreach and education.  
17 32 The division requires the environmental protection  
17 33 commission to adopt rules necessary for the administration of  
17 34 the division.  
17 35 LITTERING FINES ==== LITTER CLEANUP GRANTS. The division



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18 1 increases the scheduled fines for littering and placing  
18 2 debris on public highways from \$70 to \$150 and increases the  
18 3 scheduled fine for littering in a state park or preserve from  
18 4 \$30 to \$75. Currently, 50 percent of both scheduled fines  
18 5 are deposited in the general fund and appropriated to the  
18 6 department of transportation for purposes of litter cleanup.  
18 7 The division provides that 100 percent of both scheduled fines  
18 8 are to be deposited in the general fund, with 50 percent of the  
18 9 moneys appropriated to the department of transportation for  
18 10 litter cleanup and 50 percent appropriated to the department  
18 11 of natural resources for deposit in the newly created litter  
18 12 cleanup grant fund. The division creates a litter cleanup  
18 13 grant fund to be administered by the department for purposes of  
18 14 providing grants to nonprofit organizations for litter cleanup  
18 15 activities in neighborhoods and along highways.

18 16 WASTE REDUCTION GOALS. Currently, waste stream reduction  
18 17 goals for the state are to reduce the waste stream by 25  
18 18 percent by July 1, 1994, and by 50 percent by July 1, 2000,  
18 19 based on the waste stream existing as of July 1, 1988. The  
18 20 tonnage fee paid by a planning area is, in part, determined by  
18 21 the waste volume reduction goals that are met by the planning  
18 22 area.

18 23 The division creates new waste volume reduction goals. The  
18 24 goals are to reduce the waste stream by 50 percent by July 1,  
18 25 2016, and by 60 percent by July 1, 2021, based on the waste  
18 26 stream existing as of July 1, 2011. The division replaces the  
18 27 old goal levels with the new goal levels in the computation of  
18 28 the tonnage fees paid by planning areas.

18 29 STATE MANDATE. The bill may include a state mandate as  
18 30 defined in Code section 25B.3. The division makes inapplicable  
18 31 Code section 25B.2, subsection 3, which would relieve a  
18 32 political subdivision from complying with a state mandate if  
18 33 funding for the cost of the state mandate is not provided or  
18 34 specified. Therefore, political subdivisions are required to  
18 35 comply with any state mandate included in the bill.

LSB 1539XS (12) 84

tm/nh



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SENATE FILE  
BY JOCHUM

**A BILL FOR**

1 An Act relating to long-term residential living options.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TL5B 1530XS (3) 84  
pf/nh



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PAG LIN

1 1 Section 1. Section 231C.1, subsection 2, paragraph b, Code  
1 2 2011, is amended to read as follows:

1 3 b. To establish standards for assisted living programs that  
1 4 allow flexibility in design which promotes a social model of  
1 5 service delivery by focusing on independence, individual needs  
1 6 and desires, and consumer-driven quality of service, and that  
1 7 provide consumer protections to ensure program transparency,  
1 8 oversight, and accountability.

1 9 Sec. 2. Section 231C.1, subsection 3, Code 2011, is amended  
1 10 to read as follows:

1 11 3. It is the intent of the general assembly that the  
1 12 department promote a social model for assisted living programs,  
1 13 provide consistent standards and oversight to ensure protection  
1 14 of consumers, and utilize a consultative process to assist with  
1 15 compliance by assisted living programs.

1 16 Sec. 3. Section 231C.2, subsection 2, Code 2011, is amended  
1 17 to read as follows:

1 18 2. a. "Assisted living" means the provision of a social  
1 19 model of housing with services to three or more tenants in

1 20 which may:

1 21 (1) The services offered include ~~but are not limited to,~~ at  
1 22 a minimum, health-related care, or personal care, or both, and  
1 23 may include assistance with instrumental activities of daily  
1 24 living ~~to three or more tenants.~~ However, "assisted living"  
1 25 does not include the provision of housing and assistance with  
1 26 instrumental activities of daily living unless personal care or  
1 27 health-related care is also offered.

1 28 (2) The housing is provided in a physical structure which  
1 29 ~~provides~~ offers a homelike environment that balances individual  
1 30 privacy with the benefits of social interaction.

1 31 (3) The social model provides an environment that supports  
1 32 each tenant in maximizing the tenant's highest practicable  
1 33 level of well-being through individualized, stimulating, and  
1 34 purposeful activities; connections to and interaction with the  
1 35 outside community; and other interventions that assist a tenant



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2 1 in maintaining optimal independence while delaying further  
2 2 decline from any existing medical, cognitive, or functional  
2 3 condition.  
2 4 b. "Assisted living" also includes encouragement of family  
2 5 involvement, tenant self-direction, and tenant participation  
2 6 in decisions that emphasize choice, dignity, privacy,  
2 7 individuality, ~~shared risk,~~ and independence, commensurate  
2 8 with the tenant's medical, cognitive, and functional status.  
2 9 ~~"Assisted living" includes the provision of housing and~~  
2 10 ~~assistance with instrumental activities of daily living only if~~  
2 11 ~~personal care or health-related care is also included.~~  
2 12 c. "Assisted living" includes twenty-four hours per day  
2 13 response staff to meet a tenant's scheduled and unscheduled or  
2 14 unpredictable needs, commensurate with the tenant's medical,  
2 15 cognitive, and functional status, in a manner that promotes  
2 16 maximum dignity and independence and provides supervision,  
2 17 safety, and security.  
2 18 d. "Assisted living" includes any entity that meets the  
2 19 definition of assisted living under this subsection, whether  
2 20 or not the entity represents the entity to the public as an  
2 21 assisted living program or as a certified assisted living  
2 22 program, including an entity that decertifies a program  
2 23 but continues to provide housing and continues to be or  
2 24 subsequently becomes the sole provider of assistance with  
2 25 instrumental activities of daily living, personal care, or  
2 26 health-related care, by whatever means employed or contracted,  
2 27 including through a subsidiary, parent, or related corporation.  
2 28 Sec. 4. Section 231C.2, Code 2011, is amended by adding the  
2 29 following new subsection:  
2 30 NEW SUBSECTION. 2A. "Assisted living program" or "program"  
2 31 means an entity that provides assisted living.  
2 32 Sec. 5. Section 231C.3, subsection 1, paragraphs a and c,  
2 33 Code 2011, are amended to read as follows:  
2 34 a. Provisions to ensure, to the greatest extent possible,  
2 35 the health, safety, and well-being and appropriate treatment



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3 1 of tenants. The rules shall establish quality and level of  
3 2 care criteria and standards to ensure adequate and appropriate  
3 3 care for tenants and consistent application of the criteria  
3 4 and standards by programs. The criteria and standards shall  
3 5 specify the types and levels of care that are required and  
3 6 shall identify the specific medical, cognitive, and functional  
3 7 needs of a tenant that are beyond the capacity of an assisted  
3 8 living program level of care.  
3 9 c. Standards for ~~tenant~~ initial and ongoing evaluation or  
3 10 assessment, ~~of and service plans, which may vary in accordance~~  
3 11 ~~with for tenants. The service plan shall specify the nature of~~  
3 12 ~~the services to be provided or to meet the individual needs of~~  
3 13 ~~the tenant as determined by the evaluation and assessment of~~  
3 14 ~~the medical, cognitive, and functional status of the tenant.~~  
3 15 ~~When a tenant needs personal care or health-related care, the A~~  
3 16 ~~preliminary service plan shall be developed prior to a tenant's~~  
3 17 ~~occupancy and updated within thirty days of occupancy and as~~  
3 18 ~~needed with necessitated by significant change, but not less~~  
3 19 ~~than annually.~~  
3 20 Sec. 6. Section 231C.3, subsection 1, Code 2011, is amended  
3 21 by adding the following new paragraphs:  
3 22 NEW PARAGRAPH. e. (1) A uniform consumer disclosure  
3 23 statement. The purpose of the uniform consumer disclosure  
3 24 statement is to empower consumers, through a uniform  
3 25 description of the policies, environments, staffing, and  
3 26 services of assisted living programs, to effectively compare  
3 27 programs.  
3 28 (2) The rules shall require that, at a minimum, the uniform  
3 29 consumer disclosure statement provide all of the following  
3 30 information: contact information for the program; the sources  
3 31 of payment accepted; the types and level of care and services  
3 32 provided by the program and specific criteria including  
3 33 conditions that prohibit occupancy; the services provided  
3 34 including but not limited to assistance with instrumental  
3 35 activities of daily living, health-related care, personal





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4 1 care, environmental and social aspects of the program, dietary  
4 2 services, medication-related services, and specialized care  
4 3 or services; privacy options for dwelling units; the specific  
4 4 criteria for discharge or transfer; staffing patterns and staff  
4 5 qualifications and training requirements; and information about  
4 6 tenants' rights.

4 7       (3) The rules shall require an assisted living program  
4 8 to provide the disclosure statement to the department, to a  
4 9 consumer upon request, and to a prospective tenant prior to  
4 10 execution of an occupancy agreement.

4 11       (4) The rules shall require that any marketing materials  
4 12 accurately reflect the information provided in the uniform  
4 13 consumer disclosure statement.

4 14       NEW PARAGRAPH. f. Staffing requirements including but  
4 15 not limited to staff qualifications such as appropriate  
4 16 professional licensure, education, skills, training, and  
4 17 experience; requirements for and sources of initial and  
4 18 continuing staff training; minimum age requirements for direct  
4 19 care staff; and requirements to provide sufficient direct care  
4 20 staff in number and qualifications to support each tenant's  
4 21 needs as identified in the tenant's evaluation, occupancy  
4 22 agreement, and service plan and to meet the twenty-four-hour  
4 23 scheduled and unscheduled or unpredictable needs of all  
4 24 tenants. The staffing requirements shall also provide that  
4 25 direct care staff shall be trained or certified, as applicable  
4 26 to the skill, in emergency procedures, basic first aid,  
4 27 cardiopulmonary resuscitation, and the Heimlich maneuver.

4 28       NEW PARAGRAPH. g. Prohibition of guarantor agreements.

4 29       NEW PARAGRAPH. h. Prohibition of transfer, involuntary  
4 30 transfer, or termination of tenancy based solely on source of  
4 31 payment, if the program accepts third-party payment.

4 32       NEW PARAGRAPH. i. Requirements regarding fees, costs, and  
4 33 charges, which shall require that fees, costs, and charges be  
4 34 reasonable; that periodic or annual automatic increases are  
4 35 prohibited; and that prior to any increase in fees, costs,



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5 1 or charges the program must provide notice and specific,  
5 2 documented justification for the increase to the tenant.

5 3 Sec. 7. Section 231C.3, subsection 3, Code 2011, is amended  
5 4 to read as follows:

5 5 3. a. The owner or manager of a certified assisted living  
5 6 program shall comply with the rules adopted by the department  
5 7 for an assisted living program.

5 8 b. A person, including a governmental unit, that meets  
5 9 the definition of assisted living pursuant to section 231C.2  
5 10 shall be considered an assisted living program whether or not  
5 11 the person represents the person to the public as an assisted  
5 12 living program or as a certified assisted living program, and  
5 13 shall not operate in this state unless and until the assisted  
5 14 living program is certified pursuant to this chapter.

5 15 c. A person, including a governmental unit, shall not  
5 16 represent an assisted living program to the public as an  
5 17 assisted living program or as a certified assisted living  
5 18 program unless and until the program is certified pursuant to  
5 19 this chapter.

5 20 Sec. 8. Section 231C.3, subsection 4, paragraph a, Code  
5 21 2011, is amended to read as follows:

5 22 a. Services provided by a certified assisted living program  
5 23 to an individual tenant as specified in the occupancy agreement  
5 24 and service plan may be provided directly by staff of the  
5 25 assisted living program, or by individuals contracting with the  
5 26 assisted living program to provide services, or by individuals  
~~5 27 employed by the. A tenant or with whom the tenant contracts~~  
~~5 28 may employ or contract with individuals to provide services~~  
5 29 not specified in the occupancy agreement or service plan if  
5 30 the services provided do not result in the tenant exceeding  
5 31 occupancy criteria, the provision of services does not affect  
5 32 the health or safety of other tenants, and the tenant agrees  
5 33 to assume the responsibility and risk of the employment or the  
5 34 contractual relationship.

5 35 Sec. 9. Section 231C.5, Code 2011, is amended to read as



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6 1 follows:

6 2 231C.5 Written occupancy agreement required.

6 3 1. a. An assisted living program shall not operate in this  
6 4 state unless a written occupancy agreement, as prescribed in  
6 5 subsection 2, is executed between the assisted living program  
6 6 and each tenant or the tenant's legal representative, prior  
6 7 to the tenant's occupancy, and unless the assisted living  
6 8 program operates in accordance with the terms of the occupancy  
6 9 agreement.

6 10 b. The assisted living program shall deliver to the  
6 11 tenant or the tenant's legal representative a complete copy  
6 12 of the occupancy agreement and all supporting documents and  
6 13 attachments and shall deliver, at least thirty days prior  
6 14 to any changes, a written copy of changes to the occupancy  
6 15 agreement if any changes to the copy originally delivered are  
6 16 subsequently made.

6 17 2. An assisted living program occupancy agreement shall  
6 18 clearly describe the rights and responsibilities of the tenant  
6 19 and the program. The occupancy agreement shall also include  
6 20 but is not limited to inclusion of all of the following  
6 21 information in the body of the agreement or in the supporting  
6 22 documents and attachments:

6 23 a. A description of all fees, charges, and rates describing  
6 24 tenancy and basic services covered, and any additional and  
6 25 optional services and their related costs. The occupancy  
6 26 agreement shall also include the circumstances under which  
6 27 fees, charges, or rates are subject to change, and the process  
6 28 by which such changes are made including but not limited to  
6 29 provision of timely notice and documented justification of any  
6 30 such change to the tenants.

6 31 b. (1) A statement regarding the impact of the fee  
6 32 structure on third=party payments, and whether third=party  
6 33 payments and resources are accepted by the assisted living  
6 34 program.

6 35 (2) The occupancy agreement shall specifically include a



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7 1 statement regarding each of the following:

7 2 (a) Whether the program requires disclosure of a tenant's  
7 3 personal financial information for occupancy or continued  
7 4 occupancy.

7 5 (b) Whether the program requires private payment for a  
7 6 specified period of time as a prerequisite to acceptance of  
7 7 third-party payment, and the time period so required, if any.  
7 8 Specifically, the occupancy agreement shall include a statement  
7 9 regarding whether the program accepts medical assistance as a  
7 10 payment source for new tenants or existing tenants.

7 11 (c) The program's policy regarding retention, transfer,  
7 12 or involuntary transfer of a tenant following exhaustion of  
7 13 private resources. Specifically, the occupancy agreement shall  
7 14 include a statement regarding whether a tenant who exhausts  
7 15 private resources is permitted to continue tenancy with medical  
7 16 assistance as a source of payment.

7 17 (d) The policy of the program regarding continuation of the  
7 18 tenancy of an individual for whom a third party is responsible  
7 19 for payment, if the program withdraws from participation in a  
7 20 third-party payment program or is otherwise no longer eligible  
7 21 for payment through the third party.

7 22 (e) Contact information for governmental agencies to assist  
7 23 tenants in accessing third-party payment sources.

7 24 (f) That if the program accepts third-party payment,  
7 25 the program is prohibited from transferring, involuntarily  
7 26 transferring, or otherwise terminating tenancy based solely on  
7 27 the tenant's source of payment.

7 28 c. The procedure followed for nonpayment of fees.

7 29 d. Identification of the party responsible for payment of  
7 30 fees and identification of the tenant's legal representative,  
7 31 if any. The occupancy agreement shall include a statement that  
7 32 the program is prohibited from utilizing guarantor agreements.

7 33 e. The term of the occupancy agreement.

7 34 f. A statement that the assisted living program shall notify  
7 35 the tenant or the tenant's legal representative, as applicable,



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8 1 in writing at least thirty days prior to any change being made  
8 2 in the occupancy agreement with the following exceptions:  
8 3 (1) When the tenant's health status or behavior constitutes  
8 4 a substantial threat to the health or safety of the tenant,  
8 5 other tenants, or others, including when the tenant refuses to  
8 6 consent to relocation.

8 7 (2) When an emergency or a significant change in the  
8 8 tenant's condition results in the need for ~~the provision of~~  
8 9 ~~services that exceed the type or level of services included~~  
~~8 10 in the occupancy agreement and the necessary services cannot~~  
~~8 11 be safely provided by the assisted living program which the~~  
8 12 program is certified to provide by law and as specified in the  
8 13 uniform consumer disclosure statement.

8 14 g. A statement that all tenant information shall be  
8 15 maintained in a confidential manner to the extent required  
8 16 under state and federal law.

8 17 h. Occupancy, involuntary transfer, and transfer criteria  
8 18 and procedures, which ensure a safe and orderly transfer.  
8 19 The occupancy agreement shall specifically state the type  
8 20 and level of services the program can safely provide and the  
8 21 specific medical, cognitive, or functional conditions that, by  
8 22 law, prohibit initial occupancy or may necessitate subsequent  
8 23 transfer or involuntary transfer.

8 24 i. The internal appeals process provided relative to an  
8 25 involuntary transfer.

8 26 j. The program's policies and procedures for addressing  
8 27 grievances between the assisted living program and the tenants,  
8 28 including grievances relating to transfer and occupancy.

8 29 k. A statement of the prohibition against retaliation as  
8 30 prescribed in section 231C.13.

8 31 l. The emergency response policy.

8 32 m. (1) Staff qualifications including but not limited  
8 33 to professional licensure, education, skills, training,  
8 34 and experience; requirements for and sources of initial and  
8 35 continuing staff training; and the staffing plan to provide



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9 1 direct care staff sufficient in number and qualifications  
9 2 to meet the twenty=four=hour scheduled and unscheduled or  
9 3 unpredictable needs of the tenants and, specifically, to  
9 4 support the needs of each tenant as identified in the tenant's  
9 5 evaluation and service plan.  
9 6 ~~m.~~ (2) The staffing policy ~~which specifies~~ shall specify if  
9 7 nurse delegation will be used, and how staffing will be adapted  
9 8 to meet changing tenant needs.  
9 9 (3) The staffing policy shall specify that all direct  
9 10 care staff are trained or certified, as applicable to the  
9 11 specific skill, in emergency procedures, basic first aid,  
9 12 cardiopulmonary resuscitation, and the Heimlich maneuver.  
9 13 n. (1) A description of the specific services and  
9 14 programming to be provided to meet the individualized needs of  
9 15 the tenant as determined through the tenant's evaluation or  
9 16 assessment and to be included in the tenant's service plan.  
9 17 (2) The statement of services shall address, at a minimum,  
9 18 the areas of instrumental activities of daily living, personal  
9 19 care, and health=related care to be provided to a tenant.  
9 20 (3) The statement of programming shall inform the tenant of  
9 21 the individualized and group activities to be provided; whether  
9 22 the program has a qualified staff person devoted solely to  
9 23 activities; and that the program is required to provide a daily  
9 24 program of planned and spontaneous activities that are based  
9 25 upon a tenant's abilities and personal interests.  
9 26 ~~n.~~ (4) In dementia=specific assisted living programs, a  
9 27 description of the services and programming provided to meet  
9 28 the life skills and social activities of tenants.  
9 29 o. The refund policy.  
9 30 p. A statement regarding billing and payment procedures.  
9 31 3. Occupancy agreements and related documents executed  
9 32 by each tenant or the tenant's legal representative shall be  
9 33 maintained by the assisted living program in program files  
9 34 from the date of execution until three years from the date  
9 35 the occupancy agreement is terminated. A copy of the most



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10 1 current occupancy agreement shall be provided to members of the  
10 2 general public, upon request. Occupancy agreements and related  
10 3 documents shall be made available for on=site inspection to the  
10 4 department upon request and at reasonable times.

10 5     Sec. 10. NEW SECTION. 231C.11A Voluntary cessation of  
10 6 program operations ==== decertification.

10 7     1. The department shall adopt rules regarding the voluntary  
10 8 cessation of program operations of an assisted living  
10 9 program, including decertification. The rules shall address  
10 10 notification of the tenants, tenant legal representatives, the  
10 11 department, and the tenant advocate at least ninety days prior  
10 12 to the anticipated date of cessation of program operations; the  
10 13 requirements for the safe and orderly transfer or transition of  
10 14 all tenants; and monitoring of the program during the process  
10 15 and after cessation of program operations.

10 16     2. Within seven days following provision of notice of  
10 17 cessation of program operations, the assisted living program  
10 18 shall hold a meeting and invite all tenants, tenant legal  
10 19 representatives, families of tenants, representatives of the  
10 20 department, and the tenant advocate to discuss the pending  
10 21 cessation of the program and to answer any questions. The  
10 22 department and the tenant advocate shall have access to attend  
10 23 the meeting and provide information to the tenants regarding  
10 24 their legal rights.

10 25     3. The tenant advocate shall monitor the decertification  
10 26 process and shall undertake any investigations necessary to  
10 27 ensure that the rights of tenants are protected during the  
10 28 process and after cessation of program operations. The tenant  
10 29 advocate shall assist tenants during the transition, including  
10 30 assisting tenants in finding necessary and appropriate service  
10 31 providers if the assisted living program is unable to provide  
10 32 such necessary and appropriate services during the transition  
10 33 period. Under such circumstances, the assisted living program  
10 34 shall cooperate with the tenant advocate by providing contact  
10 35 information for service providers within a thirty=mile radius



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11 1 of the program.

11 2 4. The rules shall also require the escrowing of sufficient  
11 3 funds by the assisted living program to cover the cost of  
11 4 housing and services during the tenant's period of transition  
11 5 and during the individual's tenancy in a subsequent certified  
11 6 assisted living program, if the assisted living program  
11 7 confirmed in the occupancy agreement or other instrument  
11 8 acceptance of third=party payment or that the program would  
11 9 not discharge a tenant based on source of payment. Such  
11 10 payments shall be made during the transition period and  
11 11 subsequent tenancy until such time as the tenant is eligible  
11 12 for third=party payment as specified by the subsequent assisted  
11 13 living program.

11 14 5. Following cessation of program operations and  
11 15 decertification, the department shall retain authority to  
11 16 monitor the decertified program to ensure that the entity does  
11 17 not continue to act as an uncertified assisted living program  
11 18 or other unlicensed, uncertified, or unregistered entity  
11 19 otherwise regulated by the state following decertification.  
11 20 If a decertified assisted living program continues to or  
11 21 subsequently acts in a manner that meets the definition of  
11 22 assisted living pursuant to section 231C.2, the decertified  
11 23 program is subject to the criminal penalties and injunctive  
11 24 relief provisions of section 231C.15, and any other penalties  
11 25 applicable by law.

11 26 Sec. 11. Section 231C.17, subsections 2 and 3, Code 2011,  
11 27 are amended to read as follows:

11 28 2. This chapter shall not be construed to require that a  
11 29 facility licensed as a different type of facility also comply  
11 30 with the requirements of this chapter, unless the facility  
11 31 is represented to the public as a certified assisted living  
11 32 program, or unless the facility meets the definition of  
11 33 assisted living pursuant to section 231C.2 and the different  
11 34 type of facility for which the facility is licensed provides a  
11 35 less intensive type and level of services and housing.





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12 1 3. A certified assisted living program that complies with  
12 2 the requirements of this chapter shall not be required to be  
12 3 licensed or certified as a different type of facility, unless  
12 4 the facility is represented to the public as another type of  
12 5 facility, or unless the facility meets the definition of the  
12 6 different type of facility and the different type of facility  
12 7 provides a more intensive type and level of services and  
12 8 housing.

12 9 Sec. 12. RESIDENTIAL CARE CONTINUUM FOR OLDER INDIVIDUALS  
12 10 ==== REVIEW AND RECOMMENDATIONS.

12 11 1. The office of the long-term care resident's advocate,  
12 12 in cooperation with the university of Iowa center on aging,  
12 13 shall undertake an independent review of the residential care  
12 14 continuum for older individuals, as defined in section 231.4,  
12 15 in the state. The review shall address the specific role of  
12 16 assisted living in the continuum and shall also address the  
12 17 overall design of the current and necessary future residential  
12 18 care continuum for older individuals.

12 19 2. The independent review shall examine the entire  
12 20 residential care continuum for older individuals, specifically  
12 21 including independent living, assisted living, and nursing  
12 22 facilities. The purposes of the review shall include all of  
12 23 the following:

12 24 a. To determine the demographics and profile of the current  
12 25 population of older individuals residing in residential care  
12 26 in the state.

12 27 b. To determine the current composition of the residential  
12 28 care continuum available for older individuals including but  
12 29 not limited to the spectrum of living arrangements, level of  
12 30 care criteria, services, staffing requirements, and degree of  
12 31 regulation.

12 32 c. To determine if adequate consumer protections exist for  
12 33 older individuals as they move through the residential care  
12 34 continuum, and to make recommendations to improve protections  
12 35 for consumers.



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13 1 d. To determine if the residential care continuum as  
13 2 currently designed will meet the needs of older individuals of  
13 3 all income levels in the future, and to make recommendations  
13 4 for necessary changes to achieve the appropriate continuum.  
13 5 The recommendations shall address the balance between providing  
13 6 the option for older individuals to age in place and the  
13 7 obligation of residential care providers to provide the  
13 8 necessary and appropriate environment, services, and staffing  
13 9 at each level of care. The recommendations shall also include  
13 10 but are not limited to the purpose and targeted population  
13 11 of and the services and support that can appropriately be  
13 12 provided by each residential care option in the continuum; a  
13 13 determination of the specific standards and criteria to provide  
13 14 a consistent means of determining the point of transition  
13 15 between each level of care; specific standards and requirements  
13 16 for direct care and other staff qualifications, education, and  
13 17 training for each level of care; physical environment standards  
13 18 and requirements including fire and safety provisions; and  
13 19 standards for social and functional interventions to assist  
13 20 older individuals in maintaining optimal independence while  
13 21 preventing deterioration from any existing medical, cognitive,  
13 22 or functional conditions.

13 23 e. To make recommendations for providing affordable  
13 24 residential care options to all older individuals.

13 25 f. To make recommendations for the broader residential care  
13 26 continuum by addressing the needs of other populations beyond  
13 27 older individuals, including but not limited to persons with  
13 28 neurodegenerative diseases.

13 29 g. To determine a means of aligning residential care  
13 30 capacity with the location and needs of consumers. The  
13 31 determination shall specifically consider whether assisted  
13 32 living programs should be subject to certificate of need  
13 33 requirements in order to facilitate alignment and ensure that  
13 34 residential care options are available in all geographic areas  
13 35 of the state and to consumers at all income levels.



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14 1 h. To determine financial and other incentives to promote  
14 2 the necessary residential care continuum.  
14 3 3. In undertaking the review, the office of the long-term  
14 4 care resident's advocate, in cooperation with the university  
14 5 of Iowa center on aging, shall solicit input from consumers  
14 6 and consumer advocates, residential care providers, health  
14 7 care professionals and other residential care staff, and other  
14 8 entities involved in the care and support of older individuals.  
14 9 4. The office of the long-term care resident's advocate and  
14 10 the university of Iowa center on aging shall submit a report of  
14 11 the independent review to the governor and the general assembly  
14 12 no later than January 16, 2012.

14 13 EXPLANATION

14 14 This bill relates to long-term residential living options.  
14 15 The bill addresses provisions relating to assisted living  
14 16 including the purposes of and intent behind assisted living,  
14 17 the definition of assisted living, and rules relating to  
14 18 assisted living. The bill includes in the purposes of assisted  
14 19 living standards, the provision of consumer protections to  
14 20 ensure program transparency, oversight, and accountability.  
14 21 The bill also includes in the intent for assisted living  
14 22 to provide consistent standards and oversight to ensure  
14 23 protection of consumers. The bill amends the definition of  
14 24 "assisted living" to provide that the encouragement of tenant  
14 25 independence and choice shall be commensurate with the tenant's  
14 26 medical, cognitive, and functional status and to provide that  
14 27 assisted living includes services that at a minimum include  
14 28 either health-related care or personal care, or both, but that  
14 29 assisted living does not include the provision of housing and  
14 30 assistance with instrumental activities of daily living unless  
14 31 personal care or health-related care is also offered.

14 32 The bill also provides that the definition of "assisted  
14 33 living" includes any entity that meets the definition of  
14 34 assisted living whether or not the entity represents itself  
14 35 to the public as an assisted living program or as a certified



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15 1 assisted living program, including an entity that decertifies a  
15 2 program but continues to provide housing and continues to be  
15 3 or subsequently becomes the sole provider of assistance with  
15 4 instrumental activities of daily living, personal care, or  
15 5 health-related care, by whatever means employed or contracted,  
15 6 including through a subsidiary, parent, or related corporation.  
15 7     The bill directs that assisted living rules are to establish  
15 8 quality and level of care criteria and standards to ensure  
15 9 adequate and appropriate care for tenants and consistent  
15 10 application by assisted living programs; establish standards  
15 11 for evaluation and assessment of tenants and for service plans  
15 12 to meet the individual needs of the tenant; provide for a  
15 13 uniform consumer disclosure statement to empower consumers  
15 14 in effectively comparing programs; staffing requirements;  
15 15 the prohibition of guarantor agreements; the prohibition of  
15 16 transfer, involuntary transfer, or termination of tenancy  
15 17 based solely on the source of payment if the program accepts  
15 18 third-party payment; and requirements regarding notice and  
15 19 information required to be provided applicable to fees, costs,  
15 20 and charges.  
15 21     The bill provides that if a person meets the definition  
15 22 of assisted living, whether or not the person represents  
15 23 the person to the public as an assisted living program or a  
15 24 certified assisted living program, the person is considered an  
15 25 assisted living program and is prohibited from operating in the  
15 26 state unless and until it is certified.  
15 27     The bill also provides that services provided by a certified  
15 28 assisted living program to individual tenants as specified  
15 29 in an occupancy agreement and service plan may be provided  
15 30 directly by staff of the program or by individuals contracting  
15 31 with the program. Additionally, a tenant may employ or  
15 32 contract for services not included in the occupancy agreement  
15 33 and service plan if the services do not result in the tenant  
15 34 exceeding occupancy criteria, the provision of services does  
15 35 not affect the health or safety of other tenants, and the



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16 1 tenant assumes the responsibility and risk of the contractual  
16 2 relationship.

16 3     The bill specifies information to be included in an  
16 4 occupancy agreement including information relating to fees,  
16 5 charges, and rates; third=party payment; that guarantor  
16 6 agreements are prohibited; specific information regarding  
16 7 occupancy and transfer criteria; and staffing=related  
16 8 information.

16 9     The bill provides a procedure for voluntary cessation of a  
16 10 program and requires as part of the procedure that the program  
16 11 escrow sufficient funds to assist tenants in the transition to  
16 12 subsequent housing and services.

16 13     The bill provides for an independent review of the  
16 14 residential care continuum for older individuals and specifies  
16 15 the purposes of the review. The review is to be undertaken  
16 16 by the office of the long=term care resident's advocate in  
16 17 cooperation with the university of Iowa center on aging, with a  
16 18 final report to be submitted to the governor and the general  
16 19 assembly by January 16, 2012.

LSB 1530XS (3) 84

pf/nh



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**Senate File 251 - Introduced**

SENATE FILE  
BY KIBBIE

**A BILL FOR**

1 An Act relating to the duty of care owed to certain persons  
2 operating a snowmobile, establishing the criminal offense  
3 of dangerous condition manslaughter, and providing criminal  
4 penalties.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2295XS (8) 84  
md/sc



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1 1 Section 1. Section 321G.22, Code 2011, is amended to read  
1 2 as follows:  
1 3 321G.22 Limitation of liability by public bodies and  
1 4 adjoining owners.  
1 5 1. The state, its political subdivisions, and the owners or  
1 6 tenants of property adjoining public lands or the right-of-way  
1 7 of a public highway and their agents and employees owe no  
1 8 duty of care to keep the public lands, ditches, or land  
1 9 contiguous to a highway or roadway under the control of the  
1 10 state or a political subdivision safe for entry or use by  
1 11 persons operating a snowmobile, or to give any warning of  
1 12 a dangerous condition, use, structure, or activity on the  
1 13 premises to persons entering for such purposes, except in the  
1 14 case of ~~willful or malicious~~ failure to guard or warn against a  
1 15 dangerous condition, use, structure, or activity of which the  
1 16 owner of the property or the person responsible for care or  
1 17 operation of the property, upon which the dangerous condition,  
1 18 use, structure, or activity is located, had actual knowledge  
1 19 or actual notice. The state, its political subdivisions, and  
1 20 the owners or tenants of property adjoining public lands or the  
1 21 right-of-way of a public highway and their agents and employees  
1 22 are not liable for actions taken to allow or facilitate the use  
1 23 of public lands, ditches, or land contiguous to a highway or  
1 24 roadway except in the case of a ~~willful or malicious~~ failure to  
1 25 guard or warn against a dangerous condition, use, structure,  
1 26 or activity of which the owner of the property or the person  
1 27 responsible for care or operation of the property, upon  
1 28 which the dangerous condition, use, structure, or activity is  
1 29 located, had actual knowledge or actual notice.  
1 30 2. ~~This section~~ Except as otherwise provided in subsection  
1 31 1, this section does not create a duty of care or ground of  
1 32 liability on behalf of the state, its political subdivisions,  
1 33 or the owners or tenants of property adjoining public lands  
1 34 or the right-of-way of a public highway and their agents and  
1 35 employees for injury to persons or property in the operation



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2 1 of snowmobiles in a ditch or on land contiguous to a highway  
2 2 or roadway under the control of the state or a political  
2 3 subdivision. The state, its political subdivisions, and the  
2 4 owners or tenants of property adjoining public lands or the  
2 5 right-of-way of a public highway and their agents and employees  
2 6 are not liable for the operation of a snowmobile in violation  
2 7 of this chapter.

2 8 Sec. 2. Section 331.802, subsection 2, paragraph b, Code  
2 9 2011, is amended to read as follows:

2 10 b. Except as provided in section 218.64 or as otherwise  
2 11 provided by law, for each preliminary investigation and  
2 12 the preparation and submission of the required reports, the  
2 13 county medical examiner shall receive from the county of  
2 14 appointment a fee determined by the board plus the examiner's  
2 15 actual expenses. The fee and expenses paid by the county of  
2 16 appointment shall be reimbursed to the county of appointment  
2 17 by the county of the person's residence. However, if the  
2 18 person's death is caused by a defendant for whom a judgment of  
2 19 conviction and sentence is rendered under section 707.2, 707.3,  
2 20 707.4, 707.5, ~~or~~ 707.6A, or 707.6B, the county of the person's  
2 21 residence may recover from the defendant the fee and expenses.

2 22 Sec. 3. NEW SECTION. 707.6B Dangerous condition  
2 23 manslaughter.

2 24 1. A person commits dangerous condition manslaughter when  
2 25 all of the following conditions are met:

2 26 a. The death of another person operating a snowmobile is  
2 27 caused by a dangerous condition, use, structure, or activity.

2 28 b. The dangerous condition, use, structure, or activity is  
2 29 located on property adjoining public lands or the right-of-way  
2 30 of a public highway or roadway.

2 31 c. The property upon which the dangerous condition, use,  
2 32 structure, or activity is located is owned by the person or is  
2 33 located on the property for which the person is responsible for  
2 34 care or operation.

2 35 d. The person had actual knowledge or actual notice of the





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3 1 regular use of the property upon which the dangerous condition,  
3 2 use, structure, or activity is located as an area for the  
3 3 operation of snowmobiles.

3 4 e. The person had actual knowledge or actual notice of the  
3 5 dangerous condition, use, structure, or activity.

3 6 f. The person failed to guard or warn against the dangerous  
3 7 condition, use, structure, or activity.

3 8 2. Dangerous condition manslaughter is a class "C" felony.

3 9 Sec. 4. Section 910.3A, Code 2011, is amended to read as  
3 10 follows:

3 11 910.3A Notification of a homicide victim's county of  
3 12 residence.

3 13 The county attorney of a county in which a judgment of  
3 14 conviction and sentence under section 707.2, 707.3, 707.4,  
3 15 707.5, ~~or~~ 707.6A, or 707.6B is rendered against a defendant  
3 16 relating to a person's death shall notify in writing the clerk  
3 17 of the district court of the county of the person's residence.  
3 18 Such notification shall be for the purpose of the county of the  
3 19 person's residence recovering from the defendant the fee and  
3 20 expenses incurred investigating the person's death pursuant to  
3 21 section 331.802, subsection 2.

3 22 EXPLANATION

3 23 This bill amends Code section 321G.22 relating to liability  
3 24 and the duty of care owed by certain governmental bodies,  
3 25 property owners, and tenants to certain snowmobile operators.  
3 26 The bill amends the general exception from liability and duty  
3 27 of care by providing that an owner may have a duty of care  
3 28 and may be subject to certain liability if the owner of the  
3 29 property or the person responsible for care or operation of the  
3 30 property, upon which a dangerous condition, use, structure, or  
3 31 activity is located, had actual knowledge or actual notice and  
3 32 failed to guard or warn against the dangerous condition, use,  
3 33 structure, or activity.

3 34 The bill establishes the offense of dangerous condition  
3 35 manslaughter. Under the bill, a person commits the offense



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4 1 of dangerous condition manslaughter when the death of another  
4 2 person operating a snowmobile is caused by a dangerous  
4 3 condition, use, structure, or activity located on property  
4 4 owned or under the care or operation of the person, the  
4 5 property adjoins public lands or the right-of-way of a public  
4 6 highway or roadway, the person had actual knowledge or actual  
4 7 notice of the regular use of the property as an area for the  
4 8 operation of snowmobiles, the person had actual knowledge or  
4 9 actual notice of the dangerous condition, use, structure, or  
4 10 activity, and the person failed to guard or warn against the  
4 11 dangerous condition, use, structure, or activity.

4 12 The bill provides that dangerous condition manslaughter  
4 13 is a class "C" felony. A class "C" felony is punishable by  
4 14 confinement for no more than 10 years and a fine of at least  
4 15 \$1,000 but not more than \$10,000.

4 16 The bill makes corresponding changes to provisions of the  
4 17 Code relating to the recovery of certain fees and expenses  
4 18 relating to the investigation of a death.

LSB 2295XS (8) 84

md/sc



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**Senate File 252 - Introduced**

SENATE FILE

BY BOLKCOM, DVORSKY,  
DOTZLER, SENG,  
DEARDEN, GRONSTAL,  
KIBBIE, JOCHUM, RAGAN,  
and HATCH

**A BILL FOR**

1 An Act relating to mobile homes and manufactured homes by  
2 making changes to certain residential landlord and tenant  
3 laws, requiring disclosures during the sale of manufactured  
4 and mobile homes, amending provisions relating to forcible  
5 entry and detainer actions, providing penalties, and  
6 including applicability provisions.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1600XS (34) 84  
md/sc



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1 1 Section 1. Section 103A.55, subsection 1, Code 2011, is  
1 2 amended by adding the following new paragraph:  
1 3 NEW PARAGRAPH. h. Failing to provide the purchaser with the  
1 4 disclosure statement in compliance with section 558.72.  
1 5 Sec. 2. Section 321.49, subsection 3, Code 2011, is amended  
1 6 to read as follows:  
1 7 3. A manufactured or mobile home retailer who acquires  
1 8 a used mobile home or manufactured home, titled in Iowa, and  
1 9 who does not apply for and obtain a certificate of title  
1 10 from the county treasurer of the manufactured or mobile home  
1 11 retailer's county of residence within thirty days of the date  
1 12 of acquisition, as required under section 321.45, subsection  
1 13 4, is subject to a penalty of ~~ten~~ five hundred dollars. A  
1 14 certificate of title shall not be issued to the manufactured or  
1 15 mobile home retailer until the penalty is paid.  
1 16 Sec. 3. NEW SECTION. 558.72 Disclosure statement required  
1 17 for manufactured and mobile home sales.  
1 18 1. Prior to the sale of a manufactured or mobile home,  
1 19 the seller shall deliver a written disclosure statement, on  
1 20 a form prescribed by the attorney general, to the purchaser  
1 21 that clearly sets forth certain information, including but not  
1 22 limited to the following information:  
1 23 a. If the manufactured or mobile home and any real  
1 24 estate that is part of the sale has been separately assessed  
1 25 for property tax purposes, the current assessed value, if  
1 26 applicable, and the most recent property tax amount due and  
1 27 payable for the manufactured or mobile home and the real  
1 28 estate, if applicable.  
1 29 b. A complete description of any property taxes due and  
1 30 payable on the manufactured or mobile home or real estate  
1 31 and a complete description of any special assessment on the  
1 32 manufactured or mobile home and the real estate and the term of  
1 33 the assessment, including information on whether any property  
1 34 taxes or special assessments are delinquent and whether any  
1 35 tax sale certificates have been issued for delinquent property



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2 1 taxes or special assessments on the real estate.  
2 2 c. A complete description of any mortgages or other liens  
2 3 encumbering or secured by the manufactured or mobile home or  
2 4 the real estate, including the identity and address of the  
2 5 current owner of record with respect to each such mortgage or  
2 6 lien, as well as a description of the total outstanding balance  
2 7 and due date under any such mortgage or lien.  
2 8 d. A complete schedule for all payments to be made pursuant  
2 9 to the sales contract, if applicable, which schedule shall  
2 10 include information on the portion of each payment to be  
2 11 applied to principal and the portion to be applied to interest.  
2 12 e. If the applicable sales contract requires a balloon  
2 13 payment, a complete description of the balloon payment,  
2 14 including the date the payment is due, the amount of the  
2 15 balloon payment, and other terms related to the balloon  
2 16 payment. For purposes of this paragraph, a "balloon payment" is  
2 17 any scheduled payment that is more than twice as large as the  
2 18 average of earlier scheduled payments.  
2 19 f. The annual percentage rate of interest to be charged  
2 20 under the sales contract, if applicable.  
2 21 g. A statement that the purchaser has a right to seek  
2 22 independent legal counsel concerning the sale and any  
2 23 applicable sales contract, and any matters pertaining to such  
2 24 contract.  
2 25 h. A statement that the purchaser has a right to receive a  
2 26 true and complete copy of any applicable sales contract after  
2 27 it has been executed by all parties to the contract.  
2 28 i. The mailing address of each party to the sale or  
2 29 applicable sales contract.  
2 30 j. If the contract is an installment sales contract and is  
2 31 subject to forfeiture, a statement that if the purchaser does  
2 32 not comply with the terms of the contract, the purchaser may  
2 33 lose all rights in the manufactured or mobile home, any real  
2 34 estate that is part of the contract, and all sums paid under  
2 35 the contract.



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3 1       2. a. If the sale of the manufactured or mobile home  
3 2 involves an installment sales contract, the contract seller  
3 3 shall, after the contract has been executed by all parties,  
3 4 mail a true and correct copy of the contract by regular  
3 5 first-class mail to the last known address of each contract  
3 6 purchaser. However, this requirement is satisfied as to any  
3 7 purchaser who acknowledges in writing that the purchaser  
3 8 has received a true and correct copy of the fully executed  
3 9 contract.

3 10       b. This subsection applies to installment sales contracts  
3 11 involving a contract seller who entered into four or more  
3 12 contracts for the sale of manufactured or mobile homes in the  
3 13 three hundred sixty-five days previous to the contract seller  
3 14 signing the contract disclosure statement. For purposes of  
3 15 this subsection, two or more entities sharing a common owner or  
3 16 manager are considered a single contract seller.

3 17       3. The seller and the purchaser shall sign and date the  
3 18 disclosure statement required under this section and the seller  
3 19 shall provide the purchaser a copy of the disclosure statement  
3 20 immediately following receipt of the purchaser's signature.

3 21       4. In addition to the rights provided under section 558.73,  
3 22 a purchaser under this section shall have all applicable rights  
3 23 provided under section 558.71 as if such purchaser was a  
3 24 purchaser under section 558.70, and all references in section  
3 25 558.71 to "real estate" shall be construed to include the  
3 26 manufactured or mobile home that is subject to the installment  
3 27 sales contract.

3 28       5. This section does not apply to a person or organization  
3 29 listed in section 535B.2, subsections 1 through 6.

3 30       6. This section shall not limit or abridge any duty,  
3 31 requirement, obligation, or liability for disclosure created  
3 32 by any other provision of law, or under a contract between the  
3 33 parties.

3 34       7. A violation of this section by a seller is an unlawful  
3 35 practice pursuant to section 714.16.



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4 1 8. For purposes of this section and section 558.73, "sale"  
4 2 includes conveyance, transfer, exchange, or barter, conditional  
4 3 or otherwise, in any manner or by any means, and at any time,  
4 4 for consideration.

4 5 Sec. 4. NEW SECTION. 558.73 Contract for sale of  
4 6 manufactured or mobile home ==== failure to deliver title ====  
4 7 remedy.

4 8 1. If the seller of a manufactured or mobile home fails to  
4 9 deliver a certificate of title duly assigned to the purchaser  
4 10 of the manufactured or mobile home or if the seller, in  
4 11 an installment sales contract, fails to deliver a copy of  
4 12 the seller's certificate of title to the purchaser of the  
4 13 manufactured or mobile home within thirty days following  
4 14 execution of the contract, the purchaser may within two years  
4 15 of the execution of the contract bring an equitable action in  
4 16 the district court of record where the real estate is located  
4 17 to obtain relief as follows:

4 18 a. The court may rescind a contract that remains in  
4 19 existence at the time the action is commenced and award  
4 20 restitution to the purchaser determined in accordance with the  
4 21 standards for damages specified in paragraph "b".

4 22 b. If the contract has been terminated by any means prior to  
4 23 commencement of the action, the purchaser may recover a money  
4 24 judgment against the seller for a sum equal to all amounts the  
4 25 purchaser paid to the seller, plus the reasonable value of any  
4 26 improvements to the manufactured or mobile home made by the  
4 27 purchaser, plus any other proximately caused or incidental  
4 28 damages, less the fair rental value of the manufactured  
4 29 or mobile home for the period of time the purchaser was  
4 30 in possession of the manufactured or mobile home. For the  
4 31 purposes of this paragraph, the fair rental value of the  
4 32 manufactured or mobile home shall be based on the fair rental  
4 33 value as of the date the contract was executed by all parties  
4 34 to the contract.

4 35 2. An order of rescision or a money judgment awarded shall



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5 1 not affect any rights or responsibilities arising from any  
5 2 conveyance or encumbrance made by either the purchaser or the  
5 3 seller prior to the filing of a lis pendens in the action in  
5 4 which such relief is sought, unless it is established by clear  
5 5 and convincing evidence that the recipient of such conveyance  
5 6 or encumbrance had prior knowledge that the contract was  
5 7 executed in violation of the requirements of section 558.72.

5 8 3. In an action in which a purchaser obtains relief under  
5 9 this section, the court shall also award to such purchaser the  
5 10 costs of the action and to the purchaser's attorney reasonable  
5 11 attorney fees incurred in bringing the action.

5 12 Sec. 5. Section 562B.4, Code 2011, is amended by adding the  
5 13 following new subsection:

5 14 NEW SUBSECTION. 3. A violation by a landlord of any  
5 15 applicable requirement of division I, II, or IV of this chapter  
5 16 is an unlawful practice pursuant to section 714.16.

5 17 Sec. 6. Section 562B.10, subsection 4, Code 2011, is amended  
5 18 to read as follows:

5 19 4. a. Rental agreements shall be for a term of at least  
5 20 one year ~~unless otherwise specified in the rental agreement.~~

5 21 Rental agreements shall be canceled by at least sixty days'  
5 22 written notice given by either party. A notice to cancel  
5 23 under this subsection initiated by a landlord shall be for  
5 24 good cause. A landlord shall not, however, cancel a rental  
5 25 agreement for good cause unless the tenant is provided notice  
5 26 of the specific reason of the termination and is allowed  
5 27 fourteen days to remedy the violation or noncompliance. A  
5 28 landlord shall not cancel a rental agreement solely for the  
5 29 purpose of making the tenant's mobile home space available for  
5 30 another mobile home.

5 31 b. For purposes of this subsection, "good cause" means  
5 32 violation of this chapter by the tenant, a legitimate business  
5 33 reason the impact of which is not specific to one tenant,  
5 34 a material violation of the manufactured home community or  
5 35 mobile home park rules or regulations, a change in the use





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6 1 of the land if change in use of the land is included in the  
6 2 rental agreement as a ground for termination, or material  
6 3 noncompliance with the rental agreement by the tenant.

6 4 Sec. 7. Section 562B.13, subsection 8, Code 2011, is amended  
6 5 to read as follows:

6 6 8. The ~~bad faith~~ bad=faith retention of a deposit by a  
6 7 landlord, or any portion of the rental deposit, in violation of  
6 8 this section shall subject the landlord to punitive damages of  
6 9 not ~~to exceed two~~ less than five hundred dollars in addition  
6 10 to actual damages to be awarded to the tenant and reasonable  
6 11 attorney fees to be awarded to the tenant's attorney.

6 12 Sec. 8. Section 562B.14, subsection 6, Code 2011, is amended  
6 13 by striking the subsection and inserting in lieu thereof the  
6 14 following:

6 15 6. The landlord or any person authorized to enter into  
6 16 a rental agreement on the landlord's behalf shall before the  
6 17 rental agreement is executed provide a copy of the rules or  
6 18 regulations of the manufactured home community or mobile home  
6 19 park adopted under section 562B.19 and provide a written  
6 20 disclosure statement to the prospective tenant that provides an  
6 21 explanation of all of the following:

6 22 a. Utility rates, charges and services, unless the utility  
6 23 charges are paid by the tenant directly to the utility company.

6 24 b. Any fee or amount required to be paid by the tenant to  
6 25 the landlord or to a third party as a condition of the rental  
6 26 agreement.

6 27 c. Rights of the tenant to enforce any right or obligation  
6 28 declared by this chapter under section 562B.4, subsection 2.

6 29 d. Rental agreement provisions that are prohibited under  
6 30 section 562B.11.

6 31 e. Reasons for which the landlord may withhold amounts from  
6 32 the rental deposit under section 562B.13, subsection 3.

6 33 f. Duties of the landlord under section 562B.16.

6 34 g. Remedies available to the tenant under sections 562B.22,  
6 35 562B.23, and 562B.24, and section 562B.31, subsection 2.



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7 1 Sec. 9. Section 562B.19, subsection 3, paragraph d, Code  
7 2 2011, is amended to read as follows:

7 3 d. Exact a commission or fee with respect to the price  
7 4 realized by the tenant selling the tenant's mobile home, ~~unless~~  
~~7 5 the manufactured home community or park owner or operator has~~  
~~7 6 acted as agent for the mobile home owner pursuant to a written~~  
~~7 7 agreement.~~

7 8 Sec. 10. Section 562B.19, subsection 3, Code 2011, is  
7 9 amended by adding the following new paragraph:

7 10 NEW PARAGRAPH. g. Act as an agent for the mobile home owner  
7 11 who is a tenant during the sale of a mobile home.

7 12 Sec. 11. Section 562B.22, subsection 2, Code 2011, is  
7 13 amended to read as follows:

7 14 2. Except as provided in this chapter, the tenant may  
7 15 recover damages, and obtain injunctive relief for any  
7 16 noncompliance by the landlord with the rental agreement or with  
7 17 section 562B.16. The tenant may also be awarded court costs  
7 18 and the tenant's attorney may be awarded attorney fees.

7 19 Sec. 12. Section 562B.22, Code 2011, is amended by adding  
7 20 the following new subsection:

7 21 NEW SUBSECTION. 4. In addition to other remedies under this  
7 22 chapter, if there is a noncompliance with the rental agreement  
7 23 or noncompliance with section 562B.16 materially affecting  
7 24 health and safety, the tenant may deliver written notice to  
7 25 the landlord specifying the acts or omissions constituting the  
7 26 breach and if the breach is not remedied in fourteen days,  
7 27 procure items or services to remedy the noncompliance during  
7 28 the period of the landlord's breach and deduct their actual and  
7 29 reasonable cost from the rent.

7 30 Sec. 13. Section 562B.23, subsection 1, paragraph b, Code  
7 31 2011, is amended to read as follows:

7 32 b. Demand performance of the rental agreement by the  
7 33 landlord and, if the tenant elects, maintain an action for  
7 34 possession of the mobile home space against the landlord and  
7 35 recover the damages sustained by the tenant plus reasonable



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8 1 attorney fees to be paid to the tenant's attorney and court  
8 2 costs to be paid to the tenant.

8 3 Sec. 14. Section 562B.24, Code 2011, is amended to read as  
8 4 follows:

8 5 562B.24 Tenant's remedies for landlord's unlawful ouster,  
8 6 exclusion, or diminution of services.

8 7 If the landlord unlawfully removes or excludes the tenant  
8 8 from the manufactured home community or mobile home park or  
8 9 willfully diminishes services to the tenant by interrupting  
8 10 or causing the interruption of electric, gas, water, or  
8 11 other essential service to the tenant, the tenant may recover  
8 12 possession, require the restoration of essential services, or  
8 13 terminate the rental agreement and, in ~~either~~ any such case,  
8 14 recover an amount not to exceed two months' periodic rent  
8 15 and twice the actual damages sustained by the tenant, plus  
8 16 reasonable attorney fees to be awarded to the tenant's attorney  
8 17 and court costs to be awarded to the tenant.

8 18 Sec. 15. Section 562B.25, subsection 2, Code 2011, is  
8 19 amended to read as follows:

8 20 2. If rent is unpaid when due and the tenant fails to pay  
8 21 rent within ~~three~~ thirty days after written notice by the  
8 22 landlord of nonpayment and of the landlord's intention to  
8 23 terminate the rental agreement if the rent is not paid within  
8 24 that period of time, the landlord may terminate the rental  
8 25 agreement.

8 26 Sec. 16. Section 562B.27, subsection 1, Code 2011, is  
8 27 amended to read as follows:

8 28 1. A tenant is considered to have abandoned a mobile home  
8 29 when the tenant has been absent from the mobile home without  
8 30 reasonable explanation for thirty days or more during which  
8 31 time there is either a default of rent ~~three~~ thirty days after  
8 32 rent is due, or the rental agreement is terminated pursuant to  
8 33 section 562B.25. A tenant's return to the mobile home does  
8 34 not change its status as abandoned unless the tenant pays to  
8 35 the landlord all costs incurred for the mobile home space,



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9 1 including costs of removal, storage, notice, attorney fees, and  
9 2 all rent and utilities due and owing.

9 3 Sec. 17. Section 562B.27, subsection 2, paragraph a, Code  
9 4 2011, is amended to read as follows:

9 5 a. If a tenant abandons a mobile home on a mobile home  
9 6 space, the landlord shall notify the mobile home owner or other  
9 7 claimant of the mobile home and communicate to that person that  
9 8 the person is liable for any costs incurred for the mobile home  
9 9 space, including rent and utilities due and owing. A claimant  
9 10 includes a holder of a lien as defined in section 555B.2.  
9 11 However, the person is only liable for costs incurred ninety  
9 12 days before the landlord's communication. After the landlord's  
9 13 communication, costs for which liability is incurred shall then  
9 14 become the responsibility of the mobile home owner or other  
9 15 claimant of the mobile home. The mobile home ~~shall not~~ may be  
9 16 removed from the mobile home space ~~without a signed written~~  
~~9 17 agreement from the landlord showing clearance for removal,~~  
~~9 18 and that all debts are paid in full, or an agreement reached~~  
~~9 19 with the~~ by the mobile home owner or other claimant ~~and the~~  
~~9 20 landlord~~ prior to disposal or removal of the mobile home under  
9 21 chapter 555B, unless otherwise prohibited under chapter 648.  
9 22 Removal of the mobile home shall not, however, affect any claim  
9 23 for amounts due or owing to the landlord, tenant, or other  
9 24 claimant.

9 25 Sec. 18. Section 562B.31, subsection 2, Code 2011, is  
9 26 amended to read as follows:

9 27 2. If the landlord makes an unlawful entry or a lawful entry  
9 28 to the mobile home space in an unreasonable manner or makes  
9 29 repeated demands for entry otherwise lawful but which have  
9 30 the effect of unreasonably harassing the tenant, the tenant  
9 31 may obtain injunctive relief to prevent the recurrence of the  
9 32 conduct or terminate the rental agreement. In either case, the  
9 33 tenant may recover actual damages not less than an amount equal  
9 34 to one month's rent to be awarded to the tenant plus attorney  
9 35 fees to be awarded to the tenant's attorney.



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10 1 Sec. 19. Section 562B.32, subsection 2, Code 2011, is  
10 2 amended to read as follows:

10 3 2. If the landlord acts in violation of subsection 1  
10 4 of this section, the tenant is entitled to the remedies  
10 5 provided in section 562B.24 and has a defense in an action for  
10 6 possession. In an action by or against the tenant, evidence  
10 7 of a complaint within ~~six~~ twelve months prior to the alleged  
10 8 act of retaliation creates a presumption that the landlord's  
10 9 conduct was in retaliation. The presumption does not arise  
10 10 if the tenant made the complaint after notice of termination  
10 11 of the rental agreement. For the purpose of this subsection,  
10 12 "presumption" means that the trier of fact must find the  
10 13 existence of the fact presumed unless and until evidence is  
10 14 introduced which would support a finding of its nonexistence.

10 15 Sec. 20. Section 562B.32, subsection 3, paragraph b, Code  
10 16 2011, is amended to read as follows:

10 17 b. The tenant is in default of rent ~~three~~ thirty days after  
10 18 rent is due. The maintenance of the action does not release  
10 19 the landlord from liability under section 562B.22, subsection  
10 20 2.

10 21 Sec. 21. Section 648.3, subsection 1, Code 2011, is amended  
10 22 to read as follows:

10 23 1. Before action can be brought under any ground specified  
10 24 in section 648.1, except subsection 1, three days' notice to  
10 25 quit must be given to the defendant in writing. However, a  
10 26 landlord who has given a tenant three days' notice to pay rent  
10 27 and has terminated the tenancy as provided in section 562A.27,  
10 28 subsection 2, or who has given a tenant thirty days' notice  
10 29 to pay rent and has terminated the tenancy as provided in  
10 30 section 562B.25, subsection 2, if the tenant is renting the  
10 31 manufactured or mobile home or the land from the landlord, may  
10 32 commence the action without giving a three-day notice to quit.

10 33 Sec. 22. Section 648.22, Code 2011, is amended to read as  
10 34 follows:

10 35 648.22 Judgment ==== execution ==== costs.



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11 1     1. If the defendant is found guilty, judgment shall be  
11 2 entered that the defendant be removed from the premises, and  
11 3 that the plaintiff be put in possession of the premises, and  
11 4 an execution for the defendant's removal within three days  
11 5 from the judgment shall issue accordingly, to which shall be  
11 6 added a clause commanding the officer to collect the costs as  
11 7 in ordinary cases.

11 8     2. In cases covered by chapter 562B, the order entering  
11 9 judgment shall include information describing the powers and  
11 10 duties of the plaintiff and defendant under section 648.22A in  
11 11 a form and in the manner prescribed by the attorney general.

11 12     Sec. 23. Section 648.22A, subsection 1, paragraph a, Code  
11 13 2011, is amended to read as follows:

11 14     a. The plaintiff ~~consents and the plaintiff~~ has complied  
11 15 with the provisions of section 648.6.

11 16     Sec. 24. Section 648.22A, subsection 7, Code 2011, is  
11 17 amended to read as follows:

11 18     7. ~~Nothing in this~~ This section shall not prevent the  
11 19 defendant from removing the mobile home or manufactured home  
11 20 prior to the expiration of three days after entry of judgment,  
11 21 after which time a mobile home or manufactured home shall not  
11 22 be removed without the prior payment to the plaintiff of ~~all~~  
~~11 23 sums owing at the time of entry of judgment, interest accrued~~  
~~11 24 on such sums as provided by law, and~~ amounts ordered by the  
11 25 court resulting from a claim for rent or recovery filed in  
11 26 connection with the action under section 648.19, subsection  
11 27 1, and meeting the requirements of section 648.19, subsection  
11 28 3, the per diem rent for that portion of the sixty-day period  
11 29 which has expired prior to removal, and payment of any taxes  
11 30 due on the home which are not abated pursuant to subsection 5.

11 31     Sec. 25. Section 714.8, subsection 20, Code 2011, is amended  
11 32 to read as follows:

11 33     20. A contract seller who intentionally provides inaccurate  
11 34 information with regard to any matter required to be disclosed  
11 35 under section 558.70, subsection 1, section 558.72, subsection



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12 1 1, or section 558A.4.

12 2 Sec. 26. APPLICABILITY. This Act applies to rental  
12 3 agreements and contracts entered into, extended, or renewed on  
12 4 or after July 1, 2011.

12	5	EXPLANATION
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12 6 This bill relates to manufactured and mobile home landlord  
12 7 and tenant laws, required disclosures during the sale of  
12 8 manufactured and mobile homes, and actions for forcible entry  
12 9 and detainer.

12 10       The bill increases from \$10 to \$500 the penalty imposed on a  
12 11 manufactured or mobile home retailer who acquires a used mobile  
12 12 home or manufactured home, titled in Iowa, and who does not  
12 13 apply for and obtain a certificate of title from the county  
12 14 treasurer of the manufactured or mobile home retailer's county  
12 15 of residence within 30 days of the date of acquisition.

12 16 The bill enacts new Code section 558.72, which establishes  
12 17 a required disclosure statement for use in the sale of  
12 18 manufactured homes and mobile homes. The bill provides that  
12 19 prior to the sale of a manufactured or mobile home, the  
12 20 seller shall deliver a written disclosure statement, on a  
12 21 form prescribed by the attorney general, to the purchaser  
12 22 which sets forth information relating to the property tax  
12 23 status and special assessments for the manufactured or  
12 24 mobile home and any real estate that is part of the sale,  
12 25 a description of any mortgages or other liens encumbering  
12 26 or secured by the manufactured or mobile home or the real  
12 27 estate, a schedule for all payments to be made under the sales  
12 28 contract, if applicable, information relating to any balloon  
12 29 payments to be made under the contract, if applicable, and  
12 30 the annual percentage rate of interest to be charged under  
12 31 the sales contract, if applicable. The disclosure statement  
12 32 must also include a statement that the purchaser has a right  
12 33 to seek independent legal counsel concerning the sale and  
12 34 any applicable sales contract, include a statement that the  
12 35 purchaser has a right to receive a true and complete copy of



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13 1 any applicable sales contract after it has been executed by  
13 2 all parties to the contract, include the mailing address of  
13 3 each party to the sale or applicable sales contract, and, if  
13 4 the contract is an installment sales contract and is subject  
13 5 to forfeiture, include a statement that if the purchaser does  
13 6 not comply with the terms of the contract, the purchaser may  
13 7 lose all rights in the manufactured or mobile home, any real  
13 8 estate that is part of the contract, and all sums paid under  
13 9 the contract. The bill requires the seller and purchaser to  
13 10 sign and date the disclosure statement and requires the seller  
13 11 to provide a copy of the disclosure statement immediately  
13 12 following receipt of the purchaser's signature. The bill also  
13 13 provides for specific mailing instructions for certain contract  
13 14 sellers if the sale of the manufactured or mobile home involves  
13 15 an installment sales contract. The bill provides that an  
13 16 installment sales contract purchaser under new Code section  
13 17 558.72 has all applicable rights provided under Code section  
13 18 558.71, relating to installment sales contracts for residential  
13 19 real estate. The bill provides that certain financial  
13 20 institutions, lenders, insurance companies, and licensed  
13 21 real estate brokers are exempt from the disclosure statement  
13 22 requirements. The new disclosure statement requirements do  
13 23 not limit or abridge any duty, requirement, obligation, or  
13 24 liability for disclosure created by any other provision of law,  
13 25 or under a contract between the parties. The bill provides  
13 26 that a violation of new Code section 558.72 is an unlawful  
13 27 practice pursuant to Code section 714.16 (consumer frauds).  
13 28 The bill provides that if the seller of a manufactured  
13 29 or mobile home fails to deliver a certificate of title duly  
13 30 assigned to the purchaser of the manufactured or mobile home  
13 31 or if the seller in an installment sales contract fails to  
13 32 deliver a copy of the seller's certificate of title to the  
13 33 purchaser within 30 days following execution of the contract,  
13 34 the purchaser may within two years of the execution of the  
13 35 contract bring an equitable action to obtain rescission of the





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14 1 contract and recover certain amounts paid to the purchaser.

14 2 If a purchaser obtains relief, the court is required to award

14 3 costs of the action to the purchaser and reasonable attorney

14 4 fees to the purchaser's attorney.

14 5 The bill amends Code section 103A.55 to include the failure

14 6 of a manufactured or mobile home retailer, manufactured or

14 7 mobile home manufacturer, or manufactured or mobile home

14 8 distributor to provide the purchaser with the disclosure

14 9 statement in compliance with new Code section 558.72, as

14 10 grounds to revoke, suspend, or refuse the license of such

14 11 retailer, manufacturer, or distributor.

14 12 The bill provides that a contract seller who intentionally

14 13 provides inaccurate information with regard to any matter

14 14 required to be disclosed under new Code section 558.72, is

14 15 guilty of a fraudulent practice. The penalties for the crime

14 16 of fraudulent practice range from a simple misdemeanor to a

14 17 class "C" felony.

14 18 The bill provides that a violation by a landlord of any

14 19 applicable requirement of division I, II, or IV of Code chapter

14 20 562B is an unlawful practice pursuant to Code section 714.16

14 21 (consumer frauds).

14 22 The bill requires mobile home space rental agreements to be

14 23 for a term of at least one year.

14 24 The bill provides that a landlord must have good cause

14 25 before terminating a mobile home space rental agreement under

14 26 Code section 562B.10(4) and must provide the tenant 14 days to

14 27 remedy the violation or noncompliance before terminating the

14 28 agreement for good cause. The bill defines "good cause" as

14 29 a violation of Code chapter 562B by the tenant, a legitimate

14 30 business reason the impact of which is not specific to one

14 31 tenant, a material violation of the manufactured home community

14 32 or mobile home park rules or regulations, a change in the use

14 33 of the land if change in use of the land is included in the

14 34 rental agreement as a ground for termination, or a material

14 35 noncompliance with the rental agreement by the tenant.



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15 1 The bill amends a provision relating to the bad=faith  
15 2 retention of a deposit, or a portion of the rental deposit, by  
15 3 a landlord to provide that the landlord is subject to punitive  
15 4 damages of at least \$500, rather than not more than \$200, and  
15 5 to the payment of the tenant's reasonable attorney fees, in  
15 6 addition to actual damages.  
15 7     The bill requires a landlord to, before the rental agreement  
15 8 is executed, provide a copy of the rules or regulations of the  
15 9 manufactured home community or mobile home park and provide a  
15 10 written disclosure statement to the prospective tenant. The  
15 11 written disclosure statement must include an explanation of  
15 12 certain utility rates, charges, and services, an explanation  
15 13 of any fee or amount required to be paid by the tenant to the  
15 14 landlord or to a third party as a condition of the rental  
15 15 agreement, an explanation of certain rights of the tenant under  
15 16 Code chapter 562B, an explanation of statutorily prohibited  
15 17 rental agreement provisions, an explanation of the reasons  
15 18 for which the landlord may withhold amounts from the rental  
15 19 deposit, and explanation of certain duties of the landlord,  
15 20 and an explanation of certain statutorily authorized remedies  
15 21 available to the tenant.  
15 22     The bill prohibits a landlord from acting as an agent for a  
15 23 mobile home owner who is a tenant during the sale of a mobile  
15 24 home.  
15 25     The bill provides that if there is noncompliance with the  
15 26 rental agreement by the landlord or noncompliance with the  
15 27 landlord's duty to maintain the premises materially affecting  
15 28 health and safety, the tenant may deliver written notice to  
15 29 the landlord specifying the acts or omissions constituting the  
15 30 breach and if the breach is not remedied in 14 days, procure  
15 31 items or services to remedy the noncompliance during the period  
15 32 of the landlord's breach and deduct their actual and reasonable  
15 33 cost from the rent.  
15 34     The bill allows a tenant to recover reasonable attorney fees  
15 35 for a landlord's unlawful ouster, exclusion, or diminution



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16 1 of services, and by operation of law, a tenant may recover  
16 2 reasonable attorney fees in an action for retaliation under  
16 3 Code section 562B.32.  
16 4     The bill makes changes to several provisions of Code chapter  
16 5 562B to specify that a tenant's attorney fees, if awarded by a  
16 6 court, are awarded to the tenant's attorney and authorizes the  
16 7 award of court costs and attorney fees in certain actions under  
16 8 Code section 562B.22.  
16 9     Current Code section 562B.25(2) provides that if rent is  
16 10 unpaid when due and the tenant fails to pay rent within three  
16 11 days after written notice by the landlord of nonpayment and  
16 12 of the landlord's intention to terminate the rental agreement  
16 13 if the rent is not paid within that period of time, the  
16 14 landlord may terminate the rental agreement. The bill changes  
16 15 the three-day limitation for payment of rent after written  
16 16 notice by the landlord to 30 days. The bill makes conforming  
16 17 amendments to Code chapter 648 (forcible entry and detainer).  
16 18 The bill makes conforming amendments to Code sections  
16 19 562B.27(1) and 562B.32(3), relating to abandonment of a mobile  
16 20 home and a landlord's action for possession, respectively.  
16 21     Under current law, a mobile home that is determined to be  
16 22 abandoned may not be removed from the mobile home space without  
16 23 a signed written agreement from the landlord showing clearance  
16 24 for removal, and that all debts are paid in full, or an  
16 25 agreement reached with the mobile home owner or other claimant  
16 26 and the landlord. The bill allows removal of an abandoned  
16 27 mobile home by the owner or other claimant without limitation  
16 28 prior to disposal or removal of the mobile home by the landlord  
16 29 under Code chapter 558B (disposal of abandoned mobile homes),  
16 30 unless prohibited under Code chapter 648 (forcible entry and  
16 31 detainer). The bill provides that removal of the mobile home  
16 32 does not affect any claim for amounts due or owing to the  
16 33 landlord, tenant, or other claimant.  
16 34     Current law provides that evidence of a complaint within  
16 35 six months prior to the alleged act of retaliation creates a



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17 1 presumption that the landlord's conduct was in retaliation.  
17 2 The bill changes that period of presumption from six months to  
17 3 12 months.  
17 4     The bill requires the order of judgment in a forcible entry  
17 5 and detainer action covered by Code chapter 562B to include  
17 6 information describing the powers and duties of the plaintiff  
17 7 and defendant specified in Code section 648.22A in a form and  
17 8 in the manner prescribed by the attorney general. Code section  
17 9 648.22A is amended to specify that only those amounts ordered  
17 10 by the court resulting from a claim for rent or recovery filed  
17 11 in connection with the forcible entry and detainer action and  
17 12 considered separately by the court, in addition to certain  
17 13 rents for the period prior to removal and certain taxes, must  
17 14 be paid by the defendant prior to removal of the mobile home  
17 15 after the expiration of three days after the entry of judgment.  
17 16     The bill applies to rental agreements and contracts entered  
17 17 into, extended, or renewed on or after July 1, 2011.

LSB 1600XS (34) 84

md/sc



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**Senate File 253 - Introduced**

SENATE FILE  
BY HOGG

**A BILL FOR**

1 An Act relating to county attorney duties when representing the  
2 department of human services in juvenile court.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1599XS (2) 84  
jm/sc



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PAG LIN

1 1 Section 1. Section 232.37, subsection 1, Code 2011, is  
1 2 amended to read as follows:

1 3 1. After a petition has been filed the court shall set  
1 4 a time for an adjudicatory hearing and unless the ~~parties~~  
~~1 5 persons~~ named in subsection 2 voluntarily appear, shall issue  
1 6 a summons requiring the child to appear before the court at a  
1 7 time and place stated and requiring the person who has custody  
1 8 or control of the child to appear before the court and to bring  
1 9 the child with the person at that time. The summons shall  
1 10 attach a copy of the petition and shall give notification of  
1 11 the right to counsel provided for in section 232.11.

1 12 Sec. 2. Section 232.71C, subsection 1, Code 2011, is amended  
1 13 to read as follows:

1 14 1. If, upon completion of an assessment performed under  
1 15 section 232.71B, the department determines that the best  
1 16 interests of the child require juvenile court action, the  
1 17 department shall act appropriately to initiate the action.  
1 18 If at any time during the assessment process the department  
1 19 believes court action is necessary to safeguard a child, the  
1 20 department shall act appropriately to initiate the action. ~~The~~  
~~1 21 county attorney shall assist the department as provided under~~  
~~1 22 section 232.90, subsection 2.~~

1 23 Sec. 3. Section 232.88, Code 2011, is amended to read as  
1 24 follows:

1 25 232.88 Summons, notice, subpoenas, and service.

1 26 After a petition has been filed, the court shall issue and  
1 27 serve summons, subpoenas, and other process in the same manner  
1 28 as for adjudicatory hearings in cases of juvenile delinquency  
1 29 as provided in section 232.37. Reasonable notice shall be  
1 30 provided to the persons required to be provided notice under  
1 31 section 232.37, except that notice shall be waived regarding  
1 32 a person who was notified of the adjudicatory hearing and who  
1 33 failed to appear. In addition, reasonable notice for any  
1 34 hearing under this division shall be provided to the department  
1 35 of human services, and the agency, facility, institution,



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2 1 or person, including a foster parent, relative, or other  
2 2 individual providing preadoptive care, with whom a child has  
2 3 been placed.

2 4 Sec. 4. Section 232.90, Code 2011, is amended to read as  
2 5 follows:

2 6 232.90 Duties of county attorney.

2 7 1. As used in this section, "state" means the general  
2 8 interest held by the people in the health, safety, welfare, and  
2 9 protection of all children living in this state.

2 10 ~~1.~~ 2. The county attorney shall represent the state in  
2 11 proceedings arising from a petition filed under this division  
2 12 and shall present evidence in support of the petition. The  
2 13 county attorney shall be present at proceedings initiated by  
2 14 petition under this division filed by an intake officer or the  
2 15 county attorney, or if a party to the proceedings contests the  
2 16 proceedings, or if the court determines there is a conflict of  
2 17 interest between the child and the child's parent, guardian, or  
2 18 custodian or if there are contested issues before the court.

2 19 ~~2. The county attorney shall represent the department in~~  
~~2 20 proceedings arising under this division. However, if there is~~  
~~2 21 disagreement between the department and the county attorney~~  
~~2 22 regarding the appropriate action to be taken, the department~~  
~~2 23 may request to be represented by the attorney general in place~~  
~~2 24 of the county attorney.~~

2 25 Sec. 5. Section 232.111, subsection 4, paragraph b,  
2 26 subparagraph (3), Code 2011, is amended to read as follows:

2 27 (3) ~~Custodian~~ Legal custodian of the child.

2 28 Sec. 6. Section 232.112, subsection 1, Code 2011, is amended  
2 29 to read as follows:

2 30 1. Persons listed in section 232.111, subsection 4, other  
2 31 than the department of human services, shall be necessary  
2 32 parties to a termination of parent=child relationship  
2 33 proceeding and are entitled to receive notice and an  
2 34 opportunity to be heard, except that notice may be dispensed  
2 35 with in the case of any such person whose name or whereabouts



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3 1 the court determines is unknown and cannot be ascertained by  
3 2 reasonably diligent search. In addition to the persons who are  
3 3 necessary parties who may be parties under section 232.111,  
3 4 notice for any hearing under this division shall be provided to  
3 5 the department of human services, the child's foster parent,  
3 6 an individual providing preadoptive care for the child, or a  
3 7 relative providing care for the child.

3 8 Sec. 7. Section 232.114, Code 2011, is amended to read as  
3 9 follows:

3 10 232.114 Duties of county attorney.

3 11 1. As used in this section, "state" means the general  
3 12 interest held by the people in the health, safety, welfare, and  
3 13 protection of all children living in this state.

3 14 ~~1. 2. Upon the filing of a petition the county attorney~~  
3 15 ~~shall represent the state in all adversary proceedings arising~~  
3 16 ~~under this division and shall present evidence in support of~~  
~~3 17 the petition.~~

3 18 ~~2. The county attorney shall represent the department in~~  
~~3 19 proceedings arising under this division. However, if there is~~  
~~3 20 disagreement between the department and the county attorney~~  
~~3 21 regarding the appropriate action to be taken, the department~~  
~~3 22 may request to be represented by the attorney general in place~~  
~~3 23 of the county attorney.~~

3 24 Sec. 8. Section 232.180, Code 2011, is amended to read as  
3 25 follows:

3 26 232.180 Duties of county attorney.

3 27 1. As used in this section, "state" means the general  
3 28 interest held by the people in the health, safety, welfare, and  
3 29 protection of all children living in this state.

3 30 ~~2. Upon the filing of a petition and the request of the~~  
~~3 31 department, the county attorney shall represent the state in~~  
3 32 all adversary proceedings arising under this division and shall  
~~3 33 present evidence in support of the petition as provided under~~  
~~3 34 section 232.90.~~

3 35

EXPLANATION





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4 1 This bill relates to county attorney duties when  
4 2 representing the department of human services in juvenile  
4 3 court.  
4 4 Code section 232.37 is amended to provide that unless the  
4 5 known parents, guardians or legal custodians of a child, the  
4 6 child, and the child's guardian ad litem voluntarily appear for  
4 7 an adjudicatory hearing to determine if the child has committed  
4 8 a delinquent act, the court shall issue a summons requiring the  
4 9 child to appear before the court at a time and place stated and  
4 10 requiring the person who has custody or control of the child to  
4 11 appear before the court and to bring the child with the person  
4 12 at the time of the hearing. Code section 232.37(5) provides  
4 13 that if a person personally served with a summons fails without  
4 14 reasonable cause to appear or to bring the child, the person  
4 15 may be held in contempt of court or the court may issue an order  
4 16 for the arrest of the person or take the child into custody.  
4 17 The amendment to Code section 232.37 affects a notice for  
4 18 waiver hearings in Code section 232.45(3), a notice and summons  
4 19 issued for hearings to change dispositional orders in Code  
4 20 section 232.54(2), and a notice and summons issued for child in  
4 21 need of assistance proceedings in Code section 232.88.  
4 22 Code section 232.71C is amended to strike a provision  
4 23 requiring the county attorney to assist the department of human  
4 24 services in a child in need of assistance proceeding.  
4 25 Code section 232.88 is amended to add the department of human  
4 26 services to the list of parties required to be provided notice  
4 27 of a child in need of assistance proceeding.  
4 28 Code section 232.90 is amended to require the county  
4 29 attorney to represent the state in a child in need of  
4 30 assistance proceeding and strikes a provision requiring the  
4 31 county attorney to represent the department of human services  
4 32 in such a proceeding. The amendment to Code section 232.90  
4 33 defines "state" to mean the general interest held by the people  
4 34 in the health, safety, welfare, and protection of all children  
4 35 living in the state. Code section 232.90 is also amended to



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5 1 strike a provision allowing the attorney general to represent  
5 2 the department of human services if a dispute arises between  
5 3 the county attorney and the department of human services in a  
5 4 child in need of assistance proceeding.  
5 5 Code section 232.111 is amended to require a petition  
5 6 for termination of parental rights to contain the name and  
5 7 residence of the "legal custodian" of the child. Current law  
5 8 requires the petition for termination of parental rights to  
5 9 contain the name and residence of the "custodian" of the child.  
5 10 Code section 232.112 is amended to strike a provision  
5 11 requiring the participation of the department of human services  
5 12 in a termination of parental rights proceeding.  
5 13 Code section 232.114 is amended to require a county attorney  
5 14 to represent the state in a termination of parental rights  
5 15 proceeding and strikes a provision requiring a county attorney  
5 16 to represent the department of human services in such a  
5 17 proceeding. The amendment to Code section 232.114 defines  
5 18 "state" to mean the general interest held by the people in the  
5 19 health, safety, welfare, and protection of all children living  
5 20 in the state. The amendment to Code section 232.114 also  
5 21 strikes a provision allowing the attorney general to represent  
5 22 the department of human services if a dispute arises between  
5 23 the county attorney and the department of human services in a  
5 24 termination of parental rights proceeding.  
5 25 Code section 232.180 is amended to require the county  
5 26 attorney to represent the state in a voluntary foster care  
5 27 placement proceeding and strikes a provision requiring the  
5 28 county attorney to represent the department of human services.  
5 29 The amendment to Code section 232.180 defines "state" to mean  
5 30 the general interest held by the people in the health, safety,  
5 31 welfare, and protection of all children living in the state.

LSB 1599XS (2) 84

jm/sc



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**Senate File 254 - Introduced**

SENATE FILE  
BY WARD

**A BILL FOR**

1 An Act relating to the interest rate on weekly workers'  
2 compensation payments that are not paid when due and  
3 including applicability date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1780SS (4) 84  
av/nh



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1 1 Section 1. Section 535.3, subsection 1, Code 2011, is  
1 2 amended to read as follows:  
1 3 1. Interest shall be allowed on all money due on judgments  
1 4 and decrees of courts at a rate calculated according to section  
1 5 668.13, ~~except. However, for interest due pursuant to section~~  
1 6 ~~85.30 for which the rate shall be ten percent per year interest~~  
1 7 shall accrue from the date each weekly compensation payment is  
1 8 due at an annual rate equal to the one-year treasury constant  
1 9 maturity published by the federal reserve in the H15 report  
1 10 settled immediately prior to or on July 1 each year plus two  
1 11 percent, applicable to all weekly compensation payments due  
1 12 during the fiscal year beginning on July 1 and ending the  
1 13 following June 30.

1 14 Sec. 2. APPLICABILITY. This Act applies to interest due  
1 15 pursuant to section 85.30 on weekly compensation payments  
1 16 payable for personal injuries arising out of and in the course  
1 17 of employment under chapters 85, 85A, and 85B, that occur on  
1 18 or after July 1, 2011.

1 19 EXPLANATION

1 20 This bill provides that the interest rate on weekly workers'  
1 21 compensation payments that are not paid when due is equal  
1 22 to the one-year treasury constant maturity published by the  
1 23 federal reserve in the H15 report settled immediately prior  
1 24 to July 1 plus 2 percent for all weekly compensation payments  
1 25 due during the fiscal year beginning on July 1 and ending  
1 26 the following June 30. The bill is applicable to injuries  
1 27 compensable under the state's workers' compensation laws that  
1 28 occur on or after July 1, 2011. Currently, the interest rate  
1 29 on such weekly workers' compensation payments not paid when  
1 30 due, is 10 percent per year.

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av/nh



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**Senate File 255 - Introduced**

SENATE FILE  
BY WARD

**A BILL FOR**

1 An Act relating to stays of decrees or judgments in workers'  
2 compensation cases pending judicial review.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1779SS (3) 84  
av/rj



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1 1 Section 1. Section 86.26, Code 2011, is amended to read as  
1 2 follows:

1 3 86.26 Judicial review ==== stays.

1 4 1. Judicial review of decisions or orders of the workers'  
1 5 compensation commissioner may be sought in accordance  
1 6 with chapter 17A. Notwithstanding chapter 17A, the Iowa  
1 7 administrative procedure Act, petitions for judicial review  
1 8 may be filed in the district court of the county in which the  
1 9 hearing under section 86.17 was held, the workers' compensation  
1 10 commissioner shall transmit to the reviewing court the original  
1 11 or a certified copy of the entire record of the contested case  
1 12 which is the subject of the petition within thirty days after  
1 13 receiving written notice from the party filing the petition  
1 14 that a petition for judicial review has been filed, and an  
1 15 application for stay of agency action during the pendency of  
1 16 judicial review shall not be filed in the division of workers'  
1 17 compensation of the department of workforce development  
1 18 but shall be filed with the district court. Such a review  
1 19 proceeding shall be accorded priority over other matters  
1 20 pending before the district court.

1 21 2. If the commissioner's order or decision that is the  
1 22 subject of judicial review proceedings has been reduced to  
1 23 a decree or judgment by the district court as provided in  
1 24 section 86.42, upon application by any party seeking judicial  
1 25 review, the district court shall enter a stay of execution  
1 26 or enforcement of that decree or judgment enforcing the  
1 27 commissioner's order or decision provided that the party  
1 28 seeking the stay does all of the following:

1 29 a. Identifies for the district court those parts of the  
1 30 commissioner's order or decision that are being contested on  
1 31 judicial review.

1 32 b. Certifies to the district court that the party will  
1 33 comply with the commissioner's order or decision with respect  
1 34 to those parts of the commissioner's order or decision that  
1 35 the party is not contesting on judicial review, including



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2 1 payment of all accrued or ongoing benefits which are not  
2 2 being contested on judicial review, and provision of any  
2 3 alternate medical care or ongoing medical care ordered by the  
2 4 commissioner that is not being contested on judicial review.  
2 5 c. Posts a supersedeas bond with the district court in an  
2 6 amount and in the manner required by law or rule of court for  
2 7 appeals arising from civil money judgments except as provided  
2 8 in section 625A.9. The district court shall have the authority  
2 9 to review the amount and sufficiency of the bond.  
2 10 3. a. If a party contests on judicial review an order or  
2 11 decision by the commissioner directing alternate medical care  
2 12 or ongoing medical care pursuant to section 85.27, the district  
2 13 court shall enter a stay of execution or enforcement of its  
2 14 decree or judgment pertaining to such order or decision only  
2 15 after weighing all of the following:  
2 16 (1) The likelihood that the party seeking the stay will  
2 17 prevail upon judicial review.  
2 18 (2) The urgency of the ordered alternate or ongoing medical  
2 19 care.  
2 20 (3) The likelihood and magnitude of harm to the employee  
2 21 from a delay in receiving the ordered alternate or ongoing  
2 22 medical care.  
2 23 (4) The employee's ability to obtain the same or similar  
2 24 alternate or ongoing medical care from another source.  
2 25 b. The district court may order a hearing and take such  
2 26 evidence as the district court deems appropriate in evaluating  
2 27 an application for stay of enforcement or execution of a decree  
2 28 or judgment pertaining to the commissioner's order or decision  
2 29 for alternate or ongoing medical care.  
2 30 c. A denial of an application for a stay of enforcement or  
2 31 execution of a decree or judgment pertaining to an order or  
2 32 decision for alternate or ongoing medical care shall not affect  
2 33 the stay of any other contested portion of the commissioner's  
2 34 order or decision during the pendency of the judicial review  
2 35 proceedings.



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3 1 d. Upon application by any party and a showing of a material  
3 2 change in circumstances regarding alternate or ongoing medical  
3 3 care, the district court may modify its prior ruling as to a  
3 4 stay of such alternate or ongoing medical care.

3 5 e. The party making the application for a stay or  
3 6 modification of a stay for enforcement or execution of the  
3 7 decree or judgment pertaining to the commissioner's order or  
3 8 decision for alternate or ongoing medical care shall bear the  
3 9 burden of establishing the need for the stay or modification  
3 10 of the stay.

3 11 4. Upon appeal from a final district court ruling on a  
3 12 petition for judicial review, the stay of the enforcement or  
3 13 execution of the decree or judgment shall remain in force until  
3 14 such time as all appeals have been resolved, provided that the  
3 15 party seeking the stay maintains an appropriate supersedeas  
3 16 bond.

3 17 5. Upon application by any party, the district court may  
3 18 modify the scope of the stay to encompass only those portions  
3 19 of the decree or judgment pertaining to the commissioner's  
3 20 order or decision that are being contested in an appeal from a  
3 21 final district court ruling on a petition for judicial review.

3 22 Sec. 2. Section 86.42, Code 2011, is amended to read as  
3 23 follows:

3 24 86.42 Judgment by district court on award.

3 25 1. Any party in interest may present a file=stamped copy  
3 26 of an order or decision of the commissioner, from which a  
3 27 timely petition for judicial review has not been filed or if  
3 28 judicial review has been filed, which has not had execution or  
3 29 enforcement stayed as provided in section 17A.19, subsection 5  
~~3 30 86.26~~, or an order or decision of a deputy commissioner from  
3 31 which a timely appeal has not been taken within the agency  
3 32 and which has become final by the passage of time as provided  
3 33 by rule and section 17A.15, or an agreement for settlement  
3 34 approved by the commissioner, and all papers in connection  
3 35 therewith, to the district court where judicial review of the





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4 1 agency action may be commenced. The court shall render a  
4 2 decree or judgment and cause the clerk to notify the parties.  
4 3 2. The decree or judgment, in the absence of a petition  
4 4 for judicial review or if judicial review has been commenced,  
4 5 in the absence of a stay of execution or enforcement of the  
4 6 decision or order of the workers' compensation commissioner, or  
4 7 in the absence of an act of any party which prevents a decision  
4 8 of a deputy workers' compensation commissioner from becoming  
4 9 final, has the same effect and in all proceedings in relation  
4 10 thereto is the same as though rendered in a suit duly heard and  
4 11 determined by the court.

4 12 EXPLANATION

4 13 This bill relates to stays of execution or enforcement  
4 14 of workers' compensation orders or decisions that have been  
4 15 reduced to a decree or judgment by the district court pending  
4 16 judicial review.

4 17 The bill requires a district court to grant an application  
4 18 for a stay of execution or enforcement of an order or decision  
4 19 of the workers' compensation commissioner that has been reduced  
4 20 to a decree or judgment by the district court and is the  
4 21 subject of judicial review proceedings if the applicant for  
4 22 the stay identifies the parts of the commissioner's order or  
4 23 decision that are being contested on judicial review; certifies  
4 24 to the court that the party will comply with those parts of  
4 25 the commissioner's order or decision that the party is not  
4 26 contesting; and posts a supersedeas bond with the court in the  
4 27 amount and in the manner required by law or court rules for  
4 28 appeals arising from civil money judgments except as provided  
4 29 in Code section 625A.9.

4 30 If a party is contesting on judicial review an order or  
4 31 decision for alternate or ongoing medical care for an injured  
4 32 employee, the district court shall enter a stay of enforcement  
4 33 or execution of its decree or judgment pertaining to such  
4 34 medical care only upon weighing the likelihood that the  
4 35 party seeking the stay will prevail upon judicial review; the



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5 1 urgency of the ordered alternate or ongoing medical care; the  
5 2 likelihood and magnitude of harm to the employee from a delay  
5 3 in receiving the ordered medical care; and the employee's  
5 4 ability to obtain the same or similar medical care from another  
5 5 source.

5 6 The district court may order a hearing to evaluate an  
5 7 application for a stay of its decree or judgment pertaining to  
5 8 an order or decision for alternate or ongoing medical care.  
5 9 The denial of an application for such a stay does not affect  
5 10 the stay of any other contested portion of the commissioner's  
5 11 order or decision during the pendency of the judicial review  
5 12 proceedings. Upon application by any party, a ruling as to a  
5 13 stay of a decree or judgment pertaining to an order or decision  
5 14 for alternate or ongoing medical care may be modified upon a  
5 15 showing of a material change in circumstances regarding the  
5 16 medical care by the party requesting the modification.

5 17 Upon appeal from a final district court ruling on a petition  
5 18 for judicial review, a stay remains in force until all appeals  
5 19 have been resolved as long as the appropriate supersedeas  
5 20 bond is maintained by the party seeking the stay. The stay  
5 21 can also be modified to encompass only those portions of the  
5 22 commissioner's order or decision that are being contested in  
5 23 an appeal from a final district court ruling on a petition for  
5 24 judicial review.

5 25 Code section 86.42 is amended by changing an internal  
5 26 reference to indicate that the applicable procedure to obtain  
5 27 a stay of enforcement or execution of an order or decision of  
5 28 the workers' compensation commissioner that has been reduced  
5 29 to a decree or judgment is now contained in Code section 86.26  
5 30 instead of pursuant to the general procedure for obtaining  
5 31 a stay contained in Code section 17A.17(5) of the Iowa  
5 32 administrative procedure Act.

LSB 1779SS (3) 84

av/rj



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**Senate File 256 - Introduced**

SENATE FILE  
BY McCOY

**A BILL FOR**

1 An Act relating to school reorganization by establishing an  
2 office of county school superintendent in each county,  
3 requiring the reorganization of certain school districts and  
4 the approval of certain expenditures of supplemental school  
5 infrastructure revenues, and including effective date and  
6 applicability provisions.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2338XS (5) 84  
kh/rj



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1 1 Section 1. Section 73.18, Code 2011, is amended to read as  
1 2 follows:

1 3 73.18 Notice of solicitation for bids === identification of  
1 4 targeted small businesses.

1 5 The director of each agency or department, the administrator  
1 6 of each area education agency, the president of each community  
1 7 college, and ~~the~~ each county school superintendent of each  
~~1 8 school district~~ releasing a solicitation for bids or request

1 9 for proposal under the targeted small business procurement goal  
1 10 program shall consult a directory of certified targeted small  
1 11 businesses produced by the department of economic development  
1 12 that lists all certified targeted small businesses by category  
1 13 of goods or services provided prior to or upon release of the  
1 14 solicitation and shall send a copy of the request for proposal  
1 15 or solicitation to any appropriate targeted small business  
1 16 listed in the directory. The Iowa department of economic  
1 17 development may charge the department, agency, area education  
1 18 agency, community college, or school district a reasonable fee  
1 19 to cover the cost of producing, distributing, and updating the  
1 20 directory.

1 21 Sec. 2. Section 273.3, subsection 11, Code 2011, is amended  
1 22 to read as follows:

1 23 11. Employ personnel to carry out the functions of the  
1 24 area education agency which shall include the employment of  
1 25 an administrator who shall possess a license issued under  
1 26 chapter 272. The administrator shall be employed pursuant  
1 27 to ~~section 279.20 and~~ sections 279.23, 279.24, and 279.25.

1 28 The board's initial contract with an administrator shall not  
1 29 exceed one year if the board is obligated to pay a former  
1 30 administrator under an unexpired contract. The salary for an  
1 31 area education agency administrator shall be established by  
1 32 the board based upon the previous experience and education of  
1 33 the administrator. The administrator shall be the executive  
1 34 officer of the board and have such powers and duties as may be  
1 35 prescribed by rules adopted by the board or by law. Boards of



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2 1 directors may jointly exercise the powers conferred by this  
2 2 subsection. Section 279.13 applies to the area education  
2 3 agency board and to all teachers employed by the area education  
2 4 agency. Sections 279.23, 279.24, and 279.25 apply to the area  
2 5 education board and to all administrators employed by the area  
2 6 education agency.  
2 7 Sec. 3. Section 273.23, subsection 4, Code 2011, is amended  
2 8 to read as follows:  
2 9 4. The initial board of the newly formed district shall  
2 10 appoint an acting administrator and an acting board secretary.  
2 11 The appointment of the acting administrator shall not be  
2 12 subject to the continuing contract provisions of sections  
2 13 ~~279.20, 279.23, and 279.24.~~  
2 14 Sec. 4. NEW SECTION. 273A.1 Definitions.  
2 15 As used in this chapter, unless the context otherwise  
2 16 requires:  
2 17 1. "Boards" means the boards of directors of the school  
2 18 districts administered by the office of county school  
2 19 superintendent.  
2 20 2. "Office" means the office of county school superintendent  
2 21 established pursuant to section 273A.2.  
2 22 3. "Superintendent" or "county school superintendent" means  
2 23 a person who is licensed as a superintendent under chapter 272  
2 24 and is employed as a school administrator for the county office  
2 25 established pursuant to section 273A.2.  
2 26 Sec. 5. NEW SECTION. 273A.2 Office of county school  
2 27 superintendent ==== established.  
2 28 1. An office of county school superintendent is established  
2 29 in each county which shall provide superintendent services,  
2 30 personnel services, business management services, specialized  
2 31 maintenance services, community relations services, and  
2 32 transportation services to all school districts located within  
2 33 the boundaries of the county except as provided in subsection  
2 34 2.  
2 35 2. For purposes of this chapter, a school district located



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3 1 in more than one county shall be administered by the office  
3 2 of county school superintendent in the county in which the  
3 3 school district's greatest taxable property base is located.  
3 4 If the school district's greatest taxable property base shifts  
3 5 in future years to another county, the board of directors of  
3 6 the school district may elect to remain with the original  
3 7 office of county school superintendent or to join the office of  
3 8 county school superintendent of the county in which the school  
3 9 district's current greatest taxable property base is located.  
3 10 3. The county school superintendent shall employ personnel  
3 11 and assign the duties and responsibilities of the office.  
3 12 For every eight thousand students enrolled in the school  
3 13 districts administered by the office, the county school  
3 14 superintendent shall employ not more than one individual in  
3 15 each of the following positions: assistant county school  
3 16 superintendent, chief financial officer, chief operating  
3 17 officer, human resources director, community relations  
3 18 director, transportation director, and legal counsel.  
3 19 4. The county school superintendent shall recommend to  
3 20 the boards the budget for the operation of the office. Based  
3 21 on the enrollment of each school district administered by  
3 22 the office, the county school superintendent shall determine  
3 23 the amount each school district shall pay for the office's  
3 24 operations based upon the proportion that the enrollment of  
3 25 a district bears to the sum of the enrollments of all school  
3 26 districts administered by the office as reported for the base  
3 27 year.  
3 28 5. A county school superintendent appointed pursuant  
3 29 to this chapter shall serve a term of not more than three  
3 30 years. If a vacancy is not filled by the boards within forty  
3 31 days, the director of the department of education, subject to  
3 32 the approval of the state board of education, shall appoint  
3 33 an acting county school superintendent who shall serve the  
3 34 remainder of the term vacated or until the boards appoint a  
3 35 county school superintendent in accordance with section 273A.3,



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4 1 whichever occurs first.  
4 2 Sec. 6. NEW SECTION. 273A.3 Boards of directors of school  
4 3 districts ==== powers and duties.  
4 4 1. The boards of the school districts administered by an  
4 5 office of county school superintendent shall jointly exercise  
4 6 the powers conferred by this section. The boards, by a  
4 7 majority vote of each board's members, shall jointly do all of  
4 8 the following:  
4 9 a. Appoint and fix the compensation of the county school  
4 10 superintendent. The superintendent shall be employed pursuant  
4 11 to sections 279.23 through 279.25 except that the boards shall  
4 12 act jointly to contract with, establish evaluation criteria and  
4 13 procedures for, or discharge a superintendent.  
4 14 b. Determine and approve the powers and duties of the county  
4 15 school superintendent in addition to those specified in section  
4 16 273A.4.  
4 17 c. Approve the curriculum recommended by the county  
4 18 school superintendent in conformity with the core curriculum  
4 19 established pursuant to section 256.7, subsection 26, and the  
4 20 core content standards adopted pursuant to section 256.7,  
4 21 subsection 28.  
4 22 d. Consider and approve the office budget submitted by the  
4 23 county school superintendent.  
4 24 2. The board of directors of a school district may enter  
4 25 into a contract with the office for services in addition to  
4 26 those services the office provides uniformly to all boards.  
4 27 Sec. 7. NEW SECTION. 273A.4 County school superintendent ====  
4 28 powers and duties.  
4 29 The county school superintendent shall do all of the  
4 30 following:  
4 31 1. Act as secretary and executive officer of the boards.  
4 32 2. Maintain records as necessary to administer the school  
4 33 districts administered by the superintendent in accordance  
4 34 with this chapter. Act as custodian of the records, reports,  
4 35 documents, correspondence, or other school property that may be



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- 5 1 placed in the superintendent's charge by the boards.  
5 2 3. Advise and counsel the boards.  
5 3 4. Develop short-term and long-term comprehensive school  
5 4 improvement plans.  
5 5 5. Supervise, or arrange for supervision of, instruction in  
5 6 school districts administered by the superintendent.  
5 7 6. Provide or arrange for professional development for  
5 8 practitioners employed by the boards in accordance with  
5 9 chapters 284 and 284A.  
5 10 7. Act as the instructional leader for the county's school  
5 11 districts and advance instructional excellence throughout the  
5 12 school districts administered by the superintendent.  
5 13 8. Establish policies for admitting, promoting, and  
5 14 graduating students.  
5 15 9. Recommend for adoption by the boards, plans and  
5 16 procedures for enforcement of chapter 299.  
5 17 10. Recommend for approval by the boards, plans to promote  
5 18 and improve the health of students enrolled in the school  
5 19 districts administered by the superintendent.  
5 20 11. Recommend for approval by the boards, plans for the  
5 21 maintenance and improvement of school libraries and school  
5 22 library services.  
5 23 12. Develop, in collaboration with the boards, an adequate,  
5 24 efficient, safe, and economical system for the transportation  
5 25 of students in accordance with chapter 285.  
5 26 13. Assist all boards in making budgets, certifying tax  
5 27 levies, and preparation of financial reports in conformity with  
5 28 generally accepted accounting principles.  
5 29 14. Provide to the boards, or operate upon request by  
5 30 the board of directors of a school district administered  
5 31 by the superintendent, a system of uniform standards and  
5 32 specifications for purchasing.  
5 33 15. Report to the board of educational examiners the  
5 34 nonrenewal or termination of a person's contract as required  
5 35 pursuant to section 272.15.





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6 1       16. Assist any board of directors of a school district  
6 2 administered by the superintendent, upon request, in  
6 3 considering and investigating the matters set forth in appeals  
6 4 submitted before the board.  
6 5       17. Act as liaison between the department of education and  
6 6 the boards.  
6 7       18. Visit each attendance center in each school district  
6 8 administered by the superintendent at least once during each  
6 9 school year, and as requested by the board of directors of a  
6 10 school district administered by the superintendent or by the  
6 11 director of the department of education.  
6 12       19. Administer and enforce this chapter and the rules  
6 13 adopted by the state board of education and perform acts  
6 14 reasonably necessary to effectuate the purposes of this  
6 15 section.  
6 16       20. Prepare a proposed budget, the certified budget, and any  
6 17 budget amendments for each school district administered by the  
6 18 superintendent in accordance with section 257.7. The office of  
6 19 county school superintendent shall be considered a part of each  
6 20 school district administered by the superintendent.  
6 21       21. To facilitate a reorganization required pursuant to  
6 22 section 275.1, subsection 2, assist, upon request of the  
6 23 school district required to reorganize under section 275.1,  
6 24 subsection 2, in planning and supervising the reorganization  
6 25 of the school district, in consultation and cooperation with  
6 26 the school district and the area education agency in which the  
6 27 school district is located. If the school district elects  
6 28 to reorganize with a school district located in a county  
6 29 contiguous to the school district, the superintendent may  
6 30 coordinate the reorganization process with the office of county  
6 31 school superintendent that administers the contiguous school  
6 32 district.  
6 33       Sec. 8. Section 275.1, subsection 2, Code 2011, is amended  
6 34 to read as follows:  
6 35       2. It is the policy of the state to encourage economical



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7 1 and efficient school districts which will ensure an equal  
7 2 educational opportunity to all children of the state. All  
7 3 areas of the state shall be in school districts maintaining  
7 4 kindergarten and twelve grades. If a school district ceases  
7 5 to maintain kindergarten and twelve grades except as otherwise  
7 6 provided in section 28E.9, 256.13, 280.15, 282.7, ~~subsection~~  
~~7 7 1 or~~ subsections 1 and 3, or section 282.8, ~~it~~ the school  
7 8 district shall reorganize within six months or the state board  
7 9 of education shall attach the school district not maintaining  
7 10 kindergarten and twelve grades to one or more adjacent  
7 11 districts. Voluntary reorganizations under this chapter  
7 12 shall be commenced only if the affected school districts  
7 13 are contiguous or marginally adjacent to one another. A  
7 14 reorganized district shall meet the requirements of section  
7 15 275.3.

7 16 Sec. 9. Section 275.1, Code 2011, is amended by adding the  
7 17 following new subsection:  
7 18 NEW SUBSECTION. 4. Notwithstanding subsection 2, for any  
7 19 school year beginning on or after July 1, 2015, if a school  
7 20 district has a total enrollment of less than seven hundred  
7 21 fifty students, or if the school district does not operate  
7 22 a secondary school, effective for the next school year, the  
7 23 school district shall reorganize within six months, or the  
7 24 state board shall attach the school district to one or more  
7 25 adjacent districts.

7 26 Sec. 10. Section 275.3, Code 2011, is amended to read as  
7 27 follows:  
7 28 275.3 Minimum size.

7 29 No new school district shall be planned by an area education  
7 30 agency board nor shall any proposal for creation or enlargement  
7 31 of any school district be approved by an area education agency  
7 32 board or submitted to electors unless there reside within the  
7 33 proposed limits of such district at least ~~three~~ one thousand  
7 34 two hundred persons of school age who were enrolled in public  
7 35 schools in the preceding school year. Provided, however,



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8 1 that the director of the department of education shall have  
8 2 authority to grant permission to an area education agency board  
8 3 to approve the formation or enlargement of a school district  
8 4 containing a lower school enrollment than required in this  
8 5 section on the written request of such area education agency  
8 6 board if such request is accompanied by evidence tending  
8 7 to show that sparsity of population, natural barriers or  
8 8 other good reason makes it impracticable to meet the school  
8 9 enrollment requirement.

8 10 Sec. 11. Section 275.25, subsection 6, Code 2011, is amended  
8 11 to read as follows:

8 12 6. The board of the newly formed district shall ~~appoint~~  
~~8 13 an acting superintendent and an acting board secretary. The~~  
~~8 14 appointment of the acting superintendent shall not be subject~~  
~~8 15 to the continuing contract provisions of sections 279.20,~~  
~~8 16 279.23, and 279.24~~ be administered by the office of the county  
8 17 school superintendent in accordance with chapter 273A.

8 18 Sec. 12. Section 275.41, subsection 5, Code 2011, is amended  
8 19 to read as follows:

8 20 5. The board of the newly formed district shall ~~appoint~~  
~~8 21 an acting superintendent and an acting board secretary. The~~  
~~8 22 appointment of the acting superintendent shall not be subject~~  
~~8 23 to the continuing contract provision of sections 279.20,~~  
~~8 24 279.23, and 279.24~~ be administered by the office of the county  
8 25 school superintendent in accordance with chapter 273A.

8 26 Sec. 13. Section 275.55, subsection 4, Code 2011, is amended  
8 27 to read as follows:

8 28 4. The attachment is effective July 1 following its  
8 29 approval. If the dissolution proposal is for the dissolution  
8 30 of a school district with a certified enrollment of fewer than  
8 31 ~~six~~ seven hundred fifty in grades nine through twelve, or if  
8 32 the school district does not operate a secondary school, the  
8 33 territory located in the school district that dissolved is  
8 34 eligible, if approved by the director of the department of  
8 35 education, for a reduction in the foundation property tax levy



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9 1 under section 257.3, subsection 1. If the director approves a  
9 2 reduction in the foundation property tax levy as provided in  
9 3 this section, the director shall notify the director of the  
9 4 department of management of the reduction.  
9 5 Sec. 14. Section 279.20, subsection 1, Code 2011, is amended  
9 6 by striking the subsection.  
9 7 Sec. 15. Section 279.23, subsection 1, paragraph a, Code  
9 8 2011, is amended to read as follows:  
9 9 a. The term of employment which for all administrators  
9 10 except for superintendents may be a term of up to two years.  
9 11 ~~Superintendents may be employed under section 279.20 for a term~~  
9 12 ~~not to exceed three years.~~  
9 13 Sec. 16. Section 280.14, subsection 2, Code 2011, is amended  
9 14 by striking the subsection.  
9 15 Sec. 17. Section 423E.4, subsection 5, unnumbered paragraph  
9 16 1, Code 2011, is amended to read as follows:  
9 17 A school district with a certified enrollment of fewer  
9 18 than ~~two hundred fifty~~ one thousand pupils in the entire  
9 19 district or certified enrollment of fewer than ~~one~~ four  
9 20 hundred pupils in high school shall not expend the supplemental  
9 21 school infrastructure amount received for new construction or  
9 22 for payments for bonds issued for new construction against  
9 23 the supplemental school infrastructure amount without prior  
9 24 application to the department of education and receipt of a  
9 25 certificate of need pursuant to this subsection. However,  
9 26 a certificate of need is not required for the payment of  
9 27 outstanding bonds issued for new construction pursuant  
9 28 to section 296.1, before April 1, 2003. A certificate of  
9 29 need is also not required for repairing schoolhouses or  
9 30 buildings, equipment, technology, or transportation equipment  
9 31 for transporting students as provided in section 298.3, or  
9 32 for construction necessary for compliance with the federal  
9 33 Americans With Disabilities Act pursuant to 42 U.S.C. { 12101  
9 34 = 12117. In determining whether a certificate of need shall  
9 35 be issued or denied, the department shall consider all of the



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10 1 following:

10 2 Sec. 18. Section 423F.3, subsection 5, unnumbered paragraph  
10 3 1, Code 2011, is amended to read as follows:

10 4 A school district with a certified enrollment of fewer than  
10 5 ~~two hundred fifty~~ one thousand pupils in the entire district  
10 6 or certified enrollment of fewer than ~~one~~ four hundred pupils  
10 7 in high school shall not expend the amount received for new  
10 8 construction without prior application to the department of  
10 9 education and receipt of a certificate of need pursuant to  
10 10 this subsection. A certificate of need is not required for  
10 11 repairing schoolhouses or buildings, equipment, technology, or  
10 12 transportation equipment for transporting students as provided  
10 13 in section 298.3, or for construction necessary for compliance  
10 14 with the federal Americans With Disabilities Act pursuant to 42  
10 15 U.S.C. { 12101 = 12117. In determining whether a certificate  
10 16 of need shall be issued or denied, the department shall  
10 17 consider all of the following:

10 18 Sec. 19. ACTING COUNTY SCHOOL SUPERINTENDENT. The acting  
10 19 county school superintendent who shall initially administer  
10 20 the school districts in a county shall be the superintendent  
10 21 employed by a school district in the county who has the most  
10 22 years of employment as a public school superintendent in the  
10 23 county. The acting county school superintendent shall serve  
10 24 a term of three years or until the boards of directors of the  
10 25 school districts administered by the office of county school  
10 26 superintendent, by majority vote of each board's members,  
10 27 appoint a county school superintendent in accordance with  
10 28 section 273A.3, subsection 1, paragraph "a", as enacted in this  
10 29 Act, whichever occurs first.

10 30 Sec. 20. EFFECTIVE DATE. This Act takes effect July 1,  
10 31 2015.

10 32 Sec. 21. APPLICABILITY. This Act is applicable to school  
10 33 years beginning on or after that date.

10 34 EXPLANATION

10 35 This bill requires the establishment of an office of county



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11 1 school superintendent in each county to provide superintendent,  
11 2 personnel, business management, specialized maintenance,  
11 3 community relations, and transportation services to all  
11 4 school districts located within the boundaries of the county;  
11 5 requires school districts to reorganize within six months if  
11 6 the district's total enrollment is less than 750 students or if  
11 7 the district does not operate a secondary school; and increases  
11 8 the threshold at which a school district is prohibited from  
11 9 expending supplemental school infrastructure moneys received  
11 10 for new construction from a total enrollment of fewer than 250  
11 11 students to a total enrollment of 1,000, and from a high school  
11 12 enrollment of 100 students to an enrollment of 400 students.

11 13 COUNTY SCHOOL SUPERINTENDENT. New Code chapter 273A  
11 14 establishes the office of county school superintendent and  
11 15 the administration of school districts located in more than  
11 16 one county, provides for the appointment of the county school  
11 17 superintendent and the employment of personnel, and establishes  
11 18 that for every 8,000 students, the office may employ not  
11 19 more than one individual in each of the following positions:  
11 20 assistant county school superintendent, chief finance officer,  
11 21 chief operating officer, human resources director, community  
11 22 relations director, transportation director, and legal counsel.

11 23 The bill lists the general powers and duties of the county  
11 24 school superintendent, but permits the boards of the school  
11 25 districts administered by the office to jointly determine and  
11 26 approve additional powers and duties.

11 27 Based on the enrollment of each school district administered  
11 28 by the office, the county school superintendent must determine  
11 29 the amount each school district shall pay for the office's  
11 30 operations based upon the proportion that the enrollment of  
11 31 a school district bears to the sum of the enrollments of all  
11 32 school districts administered by the office as reported for the  
11 33 base year.

11 34 The bill also provides for the powers and duties of the  
11 35 boards of directors of the school districts administered by the



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12 1 office, which include the authority to approve the curriculum  
12 2 recommended by the county school superintendent in conformity  
12 3 with the core curriculum and the core content standards  
12 4 established and adopted by the state board of education. The  
12 5 bill permits a school district board to enter into a contract  
12 6 with the office for services in addition to those services the  
12 7 office provides uniformly to all boards.  
12 8 Under the bill, the acting county school superintendent  
12 9 initially employed by a school district will be the individual  
12 10 who is currently employed by a school district and who has the  
12 11 most years of employment as a public school superintendent  
12 12 in the county. The acting county school superintendent will  
12 13 serve a term of three years or until the school district boards  
12 14 administered by the office jointly appoint a county school  
12 15 superintendent, whichever occurs first.  
12 16 The bill makes a number of conforming changes. The  
12 17 bill strikes a provision that allows an individual who is  
12 18 employed or contracted as a superintendent to also serve as an  
12 19 elementary or secondary principal in the same school or school  
12 20 district. Because the school districts administered by an  
12 21 office, under the bill, will be sharing operational services,  
12 22 the bill also eliminates the supplementary weighting of two  
12 23 hundredths per pupil that school districts may qualify for if  
12 24 they share operational functions with a political subdivision.  
12 25 REORGANIZATION. The bill provides that if a school district  
12 26 with a total enrollment of fewer than 750 students, or a school  
12 27 district that does not operate a secondary school does not  
12 28 reorganize within six months, the state board of education  
12 29 shall attach the school district to one or more adjacent  
12 30 districts. The bill also provides that if a school district  
12 31 with an enrollment of 750 or less in grades nine through 12, or  
12 32 without a high school, dissolves, the territory located in the  
12 33 dissolved district is eligible, if approved by the director of  
12 34 the department of education, for a reduction in the foundation  
12 35 property tax levy. Current Code sets the enrollment count for



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13 1 eligibility for the foundation property tax levy reduction at  
13 2 600 or less.  
13 3 SCHOOL INFRASTRUCTURE FUNDING. Currently, a school district  
13 4 with a certified enrollment of fewer than 250 pupils in the  
13 5 entire district or certified enrollment of fewer than 100  
13 6 pupils in high school must apply to the department of education  
13 7 for a certificate of need before the school district can expend  
13 8 the supplemental school infrastructure amount received for  
13 9 new construction or for payments for bonds issued for new  
13 10 construction against the supplemental school infrastructure  
13 11 amount. The bill increases the enrollment thresholds to  
13 12 a total enrollment of 1,000 pupils and to a high school  
13 13 enrollment of 400 pupils.  
13 14 The bill takes effect July 1, 2015, and is applicable to  
13 15 school years beginning on or after that date.

LSB 2338XS (5) 84

kh/rj





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**Senate File 257 - Introduced**

SENATE FILE  
BY JOHNSON

(COMPANION TO LSB  
1978HH by drake)

**A BILL FOR**

1 An Act providing for voting methods which may be utilized by  
2 members of cooperative associations.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1978SS (8) 84  
da/nh



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PAG LIN

1 1 Section 1. Section 499.2, Code 2011, is amended by adding  
1 2 the following new unnumbered paragraph:

1 3 NEW UNNUMBERED PARAGRAPH "Alternative voting method" means  
1 4 a method of voting other than a written ballot, including  
1 5 voting by electronic, telephonic, internet, or other means that  
1 6 reasonably allows members the opportunity to vote.

1 7 Sec. 2. Section 499.29, Code 2011, is amended to read as  
1 8 follows:

1 9 499.29 Manner of voting.

1 10 ~~Votes~~ A vote shall not be cast in person, and not by proxy.

1 11 The vote of a member=association shall be cast only by its

1 12 representative duly authorized in writing. ~~If the articles~~

~~1 13 or bylaws permit, a~~ A member may cast that member's vote, in

1 14 advance of the meeting, by mail ballot or, if the association's

~~1 15 articles or bylaws permit, by an alternative voting method~~

1 16 upon any proposition of which the member has been previously

1 17 notified in writing.

1 18 Sec. 3. Section 499.41, unnumbered paragraph 1, Code 2011,

1 19 is amended to read as follows:

1 20 Notwithstanding the provisions of the articles of

1 21 incorporation of any association pertaining to amendment

1 22 thereto now in effect, any association may amend its articles

1 23 of incorporation by a vote of sixty=six and two=thirds percent

1 24 of the members present, or ~~represented~~ voting by mailed

1 25 ~~ballots~~ ballot or alternative voting method, and having voting

1 26 privileges, at any annual meeting or any special meeting called

1 27 for that purpose, provided that at least ten days before said

1 28 annual meeting or special meeting a copy of the proposed

1 29 amendment or summary thereof be sent to all members having

1 30 voting rights; or said articles of incorporation may be amended

1 31 in accordance with the amendment requirements contained in

1 32 the articles or bylaws of said association that are adopted

1 33 subsequent to July 4, 1963, or are in effect on or after July 4,

1 34 1964, provided said amendment requirements in the articles or

1 35 bylaws are not less than established in this section.



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2 1 Sec. 4. Section 499.47B, subsection 3, paragraph a, Code  
2 2 2011, is amended to read as follows:  
2 3 a. Except as provided in paragraph "b", the sale, lease,  
2 4 exchange, or other disposition must be approved by a two-thirds  
2 5 vote of the members ~~on a ballot~~ in which a majority of all  
2 6 voting members participate.  
2 7 Sec. 5. Section 499.47B, subsection 3, paragraph b,  
2 8 subparagraph (1), Code 2011, is amended to read as follows:  
2 9 (1) If the cooperative association's articles of  
2 10 incorporation require approval by more than two-thirds of its  
2 11 members ~~on a ballot~~ in which a majority of all voting members  
2 12 participate, the sale, lease, exchange, or other disposition  
2 13 must be approved by the greater number as provided in the  
2 14 articles of incorporation.  
2 15 Sec. 6. Section 499.64, subsections 2 and 3, Code 2011, are  
2 16 amended to read as follows:  
2 17 2. At the meeting, a ~~ballot vote~~ of the members who are  
2 18 entitled to vote in the affairs of the association shall be  
2 19 taken on the proposed plan of merger or consolidation. The  
2 20 plan of merger or consolidation shall be approved as follows:  
2 21 a. Except as provided in paragraph "b", the proposed plan of  
2 22 merger or consolidation must be approved by a two-thirds vote  
2 23 of the members ~~on a ballot~~ in which a majority of all voting  
2 24 members participate.  
2 25 b. (1) If the cooperative association's articles of  
2 26 incorporation require approval by more than two-thirds of its  
2 27 members ~~on a ballot~~ in which a majority of all voting members  
2 28 participate, the proposed plan of merger or consolidation must  
2 29 be approved by the greater number as provided in the articles  
2 30 of incorporation.  
2 31 (2) If the board of directors adopts additional conditions  
2 32 for the approval of the plan of merger or consolidation as  
2 33 provided in subsection 1, the additional conditions must be  
2 34 satisfied in order for the plan of merger or consolidation to  
2 35 be approved.



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3 1     ~~3. Voting by members may be by mail ballot notwithstanding~~  
3 2 ~~any contrary provision in the articles of incorporation or~~  
3 3 ~~bylaws.~~  
3 4     Sec. 7. Section 501.101, Code 2011, is amended by adding the  
3 5 following new subsection:  
3 6     NEW SUBSECTION. 01. "Alternative voting method" means  
3 7 a method of voting other than a written ballot, including  
3 8 voting by electronic, telephonic, internet, or other means that  
3 9 reasonably allow members the opportunity to vote.  
3 10     Sec. 8. Section 501.203, subsection 4, Code 2011, is amended  
3 11 to read as follows:  
3 12     4. If the board does not recommend the amendment or  
3 13 restatement to the members, then the amendment or restatement  
3 14 must be adopted by the members by a vote of two-thirds of the  
3 15 votes cast ~~on a ballot~~ in which a majority of all votes are  
3 16 cast.  
3 17     Sec. 9. Section 501.204, Code 2011, is amended to read as  
3 18 follows:  
3 19     501.204 Bylaws.  
3 20     The board may adopt or amend the cooperative's bylaws by a  
3 21 vote of three-fourths of the board. The members may adopt or  
3 22 amend the cooperative's bylaws by a vote of three-fourths of  
3 23 the votes cast ~~on a ballot~~ in which a majority of all votes are  
3 24 cast. A bylaw provision adopted by the members shall not be  
3 25 amended or repealed by the directors.  
3 26     Sec. 10. Section 501.303, subsection 2, Code 2011, is  
3 27 amended to read as follows:  
3 28     2. A member may vote at a member meeting in person or by  
3 29 ~~signed absentee~~ mail ballot that specifies the issue and the  
3 30 member's vote on that issue. If the board makes available ~~an~~  
3 31 ~~absentee~~ a ballot form, then that form must be used to cast ~~an~~  
3 32 ~~absentee~~ a mail ballot on that issue. If the cooperative's  
3 33 articles or bylaws permit it, a member may cast a vote by  
3 34 an alternative voting method. The cooperative shall take  
3 35 reasonable measures to authenticate that a vote is cast by a



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4 1 member eligible to cast that vote.

4 2 Sec. 11. Section 501.601, subsection 1, paragraph a, Code  
4 3 2011, is amended to read as follows:

4 4 a. "Dissenting member" means a voting member who votes in  
4 5 opposition to the plan of conversion and who makes a demand for  
4 6 payment as provided in this section not later than the deadline  
4 7 for members to ~~cast ballots on the~~ vote to approve the plan of  
4 8 conversion.

4 9 Sec. 12. Section 501.601, subsection 2, paragraph b, Code  
4 10 2011, is amended to read as follows:

4 11 b. The members must approve the plan of conversion by the  
4 12 vote of two-thirds of the votes cast ~~on a ballot~~ in which a  
4 13 majority of all votes are cast.

4 14 Sec. 13. Section 501.601, subsection 3, paragraph b, Code  
4 15 2011, is amended to read as follows:

4 16 b. An equity holder who is not a voting member shall have  
4 17 the same rights as a dissenting member if the equity holder  
4 18 makes a demand for payment pursuant to paragraph "a" not later  
4 19 than the deadline for members to ~~cast ballots on the~~ vote to  
4 20 approve the plan of conversion.

4 21 Sec. 14. Section 501.603, subsection 2, Code 2011, is  
4 22 amended to read as follows:

4 23 2. A cooperative may sell, lease, exchange, or otherwise  
4 24 dispose of all, or substantially all, of its property, with  
4 25 or without the goodwill, on the terms and conditions and for  
4 26 the consideration determined by the board, which consideration  
4 27 may include the interests of another cooperative, if the board  
4 28 recommends the proposed transaction to the members, and the  
4 29 members approve it by the vote of two-thirds of the votes cast  
4 30 ~~on a ballot~~ in which a majority of all votes are cast. The  
4 31 board may condition its submission of the proposed transaction  
4 32 on any basis.

4 33 Sec. 15. Section 501.614, subsection 2, Code 2011, is  
4 34 amended to read as follows:

4 35 2. At the meeting, a ~~ballot~~ vote of the members who are



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5 1 entitled to vote in the affairs of the association shall be  
5 2 taken on the proposed plan of merger or consolidation. The  
5 3 plan of merger or consolidation shall be approved if two-thirds  
5 4 of the members vote affirmatively ~~on a ballot~~ in which a  
5 5 majority of all voting members participate. ~~Voting may be~~  
~~5 6 by mail ballot notwithstanding any contrary provision in the~~  
~~5 7 articles of association or bylaws.~~

5 8 Sec. 16. Section 501A.102, subsection 2, Code 2011, is  
5 9 amended to read as follows:

5 10 2. "Alternative ~~ballot~~ voting method" means a method of  
5 11 voting ~~for a candidate or issue prescribed by the board in~~  
~~5 12 advance of the vote, and may include other than a written~~  
5 13 ballot, including voting by electronic, telephonic, internet,  
5 14 or other means that reasonably ~~allow~~ allows members the  
5 15 opportunity to vote.

5 16 Sec. 17. Section 501A.504, subsection 1, paragraph a,  
5 17 subparagraph (1), Code 2011, is amended to read as follows:

5 18 (1) The board, by majority vote, must pass a resolution  
5 19 stating the text of the proposed amendment. The text of the  
5 20 proposed amendment and an attached ~~mail or alternative~~ ballot,  
5 21 if the board has provided for a mail ~~or alternative~~ ballot in  
5 22 the resolution ~~or alternative method approved by the board~~  
~~5 23 and stated in the resolution,~~ shall be mailed or otherwise  
5 24 distributed with a regular or special meeting notice to each  
5 25 member. If the board authorizes an alternative voting method,  
5 26 the text of the proposed amendment and explanation of how  
5 27 to cast a vote using the alternative voting method shall be  
5 28 distributed with the regular or special meeting notice to each  
5 29 member. The notice shall designate the time and place of the  
5 30 meeting for the proposed amendment to be considered and voted  
5 31 on.

5 32 Sec. 18. Section 501A.504, subsection 1, paragraph a,  
5 33 subparagraph (2), unnumbered paragraph 1, Code 2011, is amended  
5 34 to read as follows:

5 35 If a quorum of the members is registered as being present or



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6 1 represented ~~by alternative vote~~ at the meeting, the proposed  
6 2 amendment is adopted if any of the following occurs:  
6 3     Sec. 19. Section 501A.703, subsection 5, Code 2011, is  
6 4 amended to read as follows:  
6 5     5. Vote by mail ballot or alternative ~~ballot~~ voting  
6 6 method. The following shall apply to voting by mail ballot or  
6 7 alternative ~~ballot~~ voting method:  
6 8     a. A member shall not vote for a director other than  
6 9 by being present at a meeting, ~~or~~ by mail ballot, or by  
6 10 alternative ~~ballot~~ voting method, as authorized by the board.  
6 11     b. The ballot shall be in a form prescribed by the board.  
6 12     c. The member shall mark the ballot for the candidate  
6 13 chosen and mail the ballot to the cooperative in a sealed plain  
6 14 envelope inside another envelope bearing the member's name, or  
6 15 the member shall vote by designating the candidate chosen by  
6 16 an alternative ~~ballot~~ voting method in the manner prescribed  
6 17 by the board.  
6 18     d. If the ballot of the member is received by the  
6 19 cooperative on or before the date of the regular members'  
6 20 meeting or as otherwise prescribed for an alternative ~~ballots,~~  
6 21 voting method, the ballot or alternative voting method shall be  
6 22 accepted and counted as the vote of the absent member.  
6 23     Sec. 20. Section 501A.804, subsection 2, Code 2011, is  
6 24 amended to read as follows:  
6 25     2. Notice. The cooperative shall give notice of a special  
6 26 members' meeting by mailing the special members' meeting notice  
6 27 to each member personally at the person's last known post  
6 28 office address, or by another process determined by the board  
6 29 if the member is to vote by an alternative voting method as  
6 30 approved by the board and agreed to by the member individually  
6 31 or the members generally. For a member that is an entity, the  
6 32 notice mailed, or delivered by another process for vote by  
6 33 an alternative voting method, shall be to an officer of the  
6 34 entity. The special members' meeting notice shall state the  
6 35 time, place, and purpose of the special members' meeting. The



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7 1 special members' meeting notice shall be issued within ten  
7 2 days from and after the date of the presentation of a members'  
7 3 petition, and the special members' meeting shall be held within  
7 4 thirty days after the date of the presentation of the members'  
7 5 petition.

7 6 Sec. 21. Section 501A.806, subsection 2, Code 2011, is  
7 7 amended to read as follows:

7 8 2. Quorum for voting by mail. In determining a quorum at  
7 9 a meeting, on a question submitted to a vote by mail or by  
7 10 an alternative voting method, members present in person or  
7 11 represented by mail vote or the alternative voting method shall  
7 12 be counted. The attendance of a sufficient number of members  
7 13 to constitute a quorum shall be established by a registration  
7 14 of the members of the cooperative present at the meeting.  
7 15 The registration shall be verified by the chairperson or the  
7 16 records officer of the cooperative and shall be reported in the  
7 17 minutes of the meeting.

7 18 Sec. 22. Section 501A.810, subsection 3, Code 2011, is  
7 19 amended to read as follows:

7 20 3. Voting method. A member's vote at a members' meeting  
7 21 shall be cast in person, ~~or~~ by mail if a mail ~~vote~~ ballot is  
7 22 authorized by the board, or by an alternative voting method if  
7 23 that is authorized by the board and. A vote shall not be cast  
7 24 by proxy, except as provided in subsection 4. The cooperative  
7 25 shall take reasonable measures to authenticate that a vote is  
7 26 cast by a member eligible to cast that vote.

7 27 Sec. 23. Section 501A.810, subsection 5, Code 2011, is  
7 28 amended to read as follows:

7 29 5. ~~Absentee~~ Mail ballots.

7 30 ~~a.~~ The provisions of this subsection apply to ~~absentee mail~~  
7 31 ballots.

7 32 ~~b.~~ a. A member who is or will be absent from a members'  
7 33 meeting may vote by mail ~~or by an approved alternative method~~  
~~7 34 on the ballot prescribed in this subsection~~ on any motion,  
7 35 resolution, or amendment that the board submits for vote by





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8 1 mail ~~or alternative method to the members.~~

8 2 ~~e.~~ b. The A ballot shall be in the form prescribed by the  
8 3 board and ~~contain all of the following:~~

8 4 ~~(1) The exact text of the proposed motion, resolution, or~~  
~~8 5 amendment to be acted on at the meeting.~~

8 6 ~~(2) The~~ be accompanied by the text of the proposed motion,  
8 7 resolution, or amendment for which the member may indicate an  
~~8 8 affirmative or negative vote to be acted upon at the meeting.~~

8 9 ~~d.~~ c. The member shall express a choice by marking  
8 10 an appropriate choice on the ballot and mail, deliver, or  
8 11 otherwise submit the ballot to the cooperative in a plain,  
8 12 sealed envelope inside another envelope bearing the member's  
8 13 name or by an alternative method approved by the board.

8 14 ~~e.~~ d. A properly executed ballot shall be accepted by  
8 15 the board and counted as the vote of the absent member at the  
8 16 meeting.

8 17 Sec. 24. Section 501A.810, Code 2011, is amended by adding  
8 18 the following new subsection:

8 19 NEW SUBSECTION. 6. Alternative voting method. The board  
8 20 may also allow the members to vote by alternative voting  
8 21 method, provided the members receive a copy of the proposed  
8 22 motion, resolution, or amendment to be acted upon.

8 23 Sec. 25. Section 501A.1101, subsection 4, paragraph b,  
8 24 subparagraph (1), Code 2011, is amended to read as follows:

8 25 (1) A quorum of the members eligible to vote is registered  
8 26 as being present at the meeting or ~~represented~~ voting by mail  
8 27 ~~vote ballot or alternative ballot at the meeting~~ voting method.

8 28 EXPLANATION

8 29 This bill amends provisions affecting entities known as  
8 30 cooperative associations (sometimes referred to as simply  
8 31 "associations" or "cooperatives") organized under Code chapter  
8 32 499, 501, or 501A. In each case, the entity is comprised of  
8 33 members who may vote upon certain issues affecting it, such  
8 34 as a candidate running as a director on its board or another  
8 35 question involving its management or continuation (e.g., a



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9 1 merger proposal) as required by statute or in its articles of  
9 2 incorporation or articles of organization. The bill provides  
9 3 that members may vote by an "alternative voting method", which  
9 4 provides that a member may vote by electronic, telephonic,  
9 5 the internet, or other means that reasonably allows members  
9 6 the opportunity to vote, as provided in the entity's articles  
9 7 or by its board. The provisions allowing for voting by an  
9 8 alternative voting method are based on the procedure referred  
9 9 to as an "alternative voting ballot" currently provided in Code  
9 10 chapter 501A. The bill changes its name but not its definition.  
9 11 The bill also provides that a member of a cooperative  
9 12 association may cast, in advance of a meeting, a vote by mail  
9 13 ballot upon any proposition of which the member has been  
9 14 previously notified in writing.

LSB 1978SS (8) 84

da/nh



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**Senate File 258 - Introduced**

SENATE FILE  
BY KETTERING

**A BILL FOR**

1 An Act relating to issuance of policies of individual accident  
2 and sickness insurance or subscriber contracts that provide  
3 Medicare supplement coverage and including applicability  
4 provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2330XS (3) 84  
av/nh



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1 1 Section 1. NEW SECTION. 514D.3A Medicare supplement  
1 2 insurance ==== issuance.  
1 3 1. The commissioner shall issue rules with respect to  
1 4 policies of individual accident and sickness insurance or  
1 5 subscriber contracts that provide Medicare supplement coverage,  
1 6 to require an insurer to issue such a policy or contract to  
1 7 an individual, upon application, without requiring additional  
1 8 underwriting, if all of the following conditions are met:  
1 9 a. At the time of application, the individual is covered  
1 10 by an in=force policy or contract that provides Medicare  
1 11 supplement coverage at one of the standard levels of coverage  
1 12 approved by the centers for Medicare and Medicaid services of  
1 13 the United States department of health and human services.  
1 14 b. The individual applies to the insurer for a new policy  
1 15 or contract that provides Medicare supplement coverage within  
1 16 thirty days prior to or succeeding the anniversary date of the  
1 17 individual's in=force policy or contract that provides Medicare  
1 18 supplement coverage.  
1 19 c. The Medicare supplement coverage applied for provides  
1 20 the same level of coverage as the applicant had in force at the  
1 21 time of application.  
1 22 2. A policy of individual accident and sickness insurance or  
1 23 subscriber contract that provides Medicare supplement coverage  
1 24 issued pursuant to subsection 1 is not required to be issued  
1 25 at the same premium rate as the policy or contract providing  
1 26 such coverage that the individual had in force at the time of  
1 27 application for the new policy or contract.  
1 28 Sec. 2. APPLICABILITY. This Act applies to policies of  
1 29 individual accident and sickness insurance or subscriber  
1 30 contracts that provide Medicare supplement coverage, that are  
1 31 delivered, issued for delivery, continued, or renewed in this  
1 32 state on or after January 1, 2012.  
1 33 EXPLANATION  
1 34 This bill requires the commissioner of insurance to issue  
1 35 rules with respect to policies of individual accident and



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2 1 sickness insurance or subscriber contracts that provide  
2 2 Medicare supplement coverage, that require an insurer to issue  
2 3 such a policy or contract to an individual, upon application,  
2 4 without requiring additional underwriting if at the time of  
2 5 application the individual is covered by such an in=force  
2 6 policy or contract that provides Medicare supplement coverage  
2 7 at one of the standard levels of coverage approved by the  
2 8 centers for Medicare and Medicaid services of the United States  
2 9 department of health and human services; the individual applies  
2 10 for a new policy or contract within 30 days before or after the  
2 11 anniversary date of the applicant's current Medicare supplement  
2 12 insurance policy or contract; and the coverage applied for is  
2 13 at the same level as the coverage the applicant has at the time  
2 14 of application.

2 15 A new policy or contract issued pursuant to the bill's  
2 16 provisions is not required to charge the same premium rate for  
2 17 the coverage that the applicant had at the time of application.

2 18 The bill is applicable to such policies or contracts that  
2 19 provide Medicare supplement coverage that are delivered, issued  
2 20 for delivery, continued, or renewed in this state on or after  
2 21 January 1, 2012.

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av/nh



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**Senate File 259 - Introduced**

SENATE FILE  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB  
1045)

**A BILL FOR**

1 An Act relating to mental health and substance abuse histories  
2 conducted in a presentence investigation report and the  
3 standards for release on probation in a criminal proceeding.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1046SV (6) 84  
jm/nh



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1 1 Section 1. Section 901.3, subsection 1, Code 2011, is  
1 2 amended to read as follows:

1 3 1. The defendant's characteristics, family and financial  
1 4 circumstances, needs, and potentialities, ~~including the~~  
~~1 5 presence of any previously diagnosed mental disorder.~~

1 6 Sec. 2. Section 901.3, Code 2011, is amended by adding the  
1 7 following new subsection:

1 8 NEW SUBSECTION. 8. Whether the defendant has a history  
1 9 of mental health or substance abuse problems. If so, the  
1 10 investigator shall inquire into the treatment options available  
1 11 in both the community of the defendant and the correctional  
1 12 system.

1 13 Sec. 3. Section 901.3, subsection 7, unnumbered paragraph  
1 14 2, Code 2011, is amended to read as follows:

1 15 All local and state mental and correctional institutions,  
1 16 courts, and police agencies shall furnish to the investigator  
1 17 on request the defendant's criminal record and other relevant  
1 18 information. The originating source of specific mental  
1 19 health or substance abuse information including the histories,  
1 20 treatment, and use of medications shall not be released to  
1 21 the presentence investigator unless the defendant authorizes  
1 22 the release of such information. If the defendant refuses to  
1 23 release the information, the presentence investigator may note  
1 24 the defendant's refusal to release mental health or substance  
1 25 abuse information in the presentence investigation report and  
1 26 rely upon other mental health or substance abuse information  
1 27 available to the presentence investigator. With the approval  
1 28 of the court, a physical examination or psychiatric evaluation  
1 29 of the defendant may be ordered, or the defendant may be  
1 30 committed to an inpatient or outpatient psychiatric facility  
1 31 for an evaluation of the defendant's personality and mental  
1 32 health. The results of any such examination or evaluation  
1 33 shall be included in the report of the investigator.

1 34 Sec. 4. Section 907.5, Code 2011, is amended to read as  
1 35 follows:



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2 1 907.5 Standards for release on probation ==== written reasons.  
2 2 Before deferring judgment, deferring sentence, or suspending  
2 3 sentence, the court first shall determine which option,  
2 4 if available, will provide maximum opportunity for the  
2 5 rehabilitation of the defendant and protection of the community  
2 6 from further offenses by the defendant and others. In making  
2 7 this determination, the court shall consider the age of the  
2 8 defendant; the defendant's prior record of convictions and  
2 9 prior record of deferments of judgment if any; the defendant's  
2 10 employment circumstances; the defendant's family circumstances;  
2 11 the defendant's mental health and substance abuse history  
2 12 and treatment options available in the community and the  
2 13 correctional system; the nature of the offense committed; and  
2 14 such other factors as are appropriate. The court shall file  
2 15 a specific written statement of its reasons for and the facts  
2 16 supporting its decision to defer judgment, to defer sentence,  
2 17 or to suspend sentence, and its decision on the length of  
2 18 probation.

2 19 EXPLANATION

2 20 This bill relates to mental health and substance abuse  
2 21 histories conducted in a presentence investigation report  
2 22 and the standards for release on probation in a criminal  
2 23 proceeding.

2 24 The bill provides that the judicial district department of  
2 25 correctional services conducting a presentence investigation  
2 26 shall inquire about a defendant's mental health and substance  
2 27 abuse history and the treatment options available to the  
2 28 defendant in the community and the correctional system.

2 29 The bill prohibits the originating source from releasing  
2 30 the mental health or substance abuse information relating  
2 31 to the histories, treatment, and use of medications of a  
2 32 defendant, unless the defendant authorizes the release. If the  
2 33 defendant refuses to release the mental health or substance  
2 34 abuse information, the presentence investigator may note the  
2 35 defendant's refusal in the presentence report and rely upon





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3 1 other mental health or substance abuse information available to  
3 2 the presentence investigator.  
3 3 A presentence investigation report details the background of  
3 4 a defendant and is reviewed by the court prior to sentencing a  
3 5 criminal defendant.

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jm/nh



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**Senate File 260 - Introduced**

SENATE FILE  
BY COMMITTEE ON WAYS AND  
MEANS

(SUCCESSOR TO SF 109)  
(SUCCESSOR TO SF 52)

**A BILL FOR**

1 An Act eliminating the transfer tax imposed on insurers  
2 organized in other states who elect to become domestic  
3 insurers in Iowa.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1575SZ (1) 84  
tw/sc



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1 1 Section 1. Section 508.12, unnumbered paragraph 1, Code  
1 2 2011, is amended to read as follows:

1 3 An insurer which is organized under the laws of any state and  
1 4 has created or will create jobs in this state or which is an  
1 5 affiliate or subsidiary of a domestic insurer, and is admitted  
1 6 to do business in this state for the purpose of writing  
1 7 insurance authorized by this chapter may become a domestic  
1 8 insurer by complying with section 490.902 or 491.33 and with  
1 9 all of the requirements of law relative to the organization  
1 10 and licensing of a domestic insurer of the same type and by  
1 11 designating its principal place of business in this state, and,  
~~1 12 upon payment to the commissioner of insurance of a transfer~~  
~~1 13 tax in a sum equal to twenty-five percent of the premium tax~~  
~~1 14 paid pursuant to the provisions of chapter 432 for the last~~  
~~1 15 calendar year immediately preceding its becoming a domestic~~  
~~1 16 corporation or the sum of ten thousand dollars, whichever is~~  
~~1 17 the lesser but not less than one thousand dollars,~~ may become a  
1 18 domestic corporation and be entitled to like certificates of  
1 19 its corporate existence and license to transact business in  
1 20 this state, and be subject in all respects to the authority and  
1 21 jurisdiction thereof.

1 22 Sec. 2. Section 515.78, unnumbered paragraph 1, Code  
1 23 2011, is amended to read as follows:

1 24 An insurer which is organized under the laws of any state and  
1 25 has created or will create jobs in this state or which is an  
1 26 affiliate or subsidiary of a domestic insurer, and is admitted  
1 27 to do business in this state for the purpose of writing  
1 28 insurance authorized by this chapter may become a domestic  
1 29 insurer by complying with section 490.902 or 491.33 and with  
1 30 all of the requirements of law relative to the organization  
1 31 and licensing of a domestic insurer of the same type and by  
1 32 designating its principal place of business in this state, and,  
~~1 33 upon payment to the commissioner of insurance of a transfer~~  
~~1 34 tax in a sum equal to twenty-five percent of the premium tax~~  
~~1 35 paid pursuant to the provisions of chapter 432 for the last~~



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~~2 1 calendar year immediately preceding its becoming a domestic~~  
~~2 2 corporation or the sum of ten thousand dollars, whichever is~~  
~~2 3 the lesser but not less than one thousand dollars, may become a~~  
2 4 domestic corporation and be entitled to like certificates of  
2 5 its corporate existence and license to transact business in  
2 6 this state, and be subject in all respects to the authority and  
2 7 jurisdiction thereof.

2 8 EXPLANATION

2 9 This bill eliminates the tax imposed on insurance companies  
2 10 organized in other jurisdictions who elect to become domestic  
2 11 insurers in Iowa and who have created or will create jobs in  
2 12 the state.

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tw/sc



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**Senate File 261 - Introduced**

SENATE FILE  
BY COMMITTEE ON WAYS AND  
MEANS

(SUCCESSOR TO SSB  
1082)

**A BILL FOR**

1 An Act relating to the technical administration of the tax  
2 and related laws by the department of revenue, including  
3 the administration of income taxes, sales and use taxes,  
4 franchise fees, property taxes, the environmental protection  
5 charge, and notification of annexation or severance by  
6 cities and including retroactive applicability provisions.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1232SV (1) 84  
tw/sc



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1 1 DIVISION I  
1 2 INCOME TAXES  
1 3 Section 1. Section 2.48, subsection 3, paragraph a,  
1 4 subparagraph (2), Code 2011, is amended to read as follows:  
1 5 (2) The tax credits for increasing research activities  
1 6 available under sections 15.335, ~~15A.9,~~ 422.10, and 422.33.  
1 7 Sec. 2. Section 15.119, subsection 2, paragraph c, Code  
1 8 2011, is amended by striking the paragraph.  
1 9 Sec. 3. Section 15.293A, subsection 2, paragraph f, Code  
1 10 2011, is amended to read as follows:  
1 11 f. A tax credit shall not be claimed by a transferee  
1 12 under this section until a replacement tax credit certificate  
1 13 identifying the transferee as the proper holder has been  
1 14 issued. The transferee may use the amount of the tax credit  
1 15 transferred against the taxes imposed in chapter 422, divisions  
1 16 II, III, and V, and in chapter 432, and against the moneys and  
1 17 credits tax imposed in section 533.329, for any tax year the  
1 18 original transferor could have claimed the tax credit. Any  
1 19 consideration received for the transfer of the tax credit shall  
1 20 not be included as income under chapter 422, divisions II, III,  
1 21 and V, ~~under chapter 432, or against the moneys and credits tax~~  
1 22 ~~imposed in section 533.329.~~ Any consideration paid for the  
1 23 transfer of the tax credit shall not be deducted from income  
1 24 under chapter 422, divisions II, III, and V, ~~under chapter~~  
1 25 ~~432, or against the moneys and credits tax imposed in section~~  
1 26 ~~533.329.~~  
1 27 Sec. 4. Section 15.329, subsection 3, Code 2011, is amended  
1 28 by striking the subsection.  
1 29 Sec. 5. Section 15.333, subsection 1, paragraph b, Code  
1 30 2011, is amended by striking the paragraph.  
1 31 Sec. 6. Section 15.393, subsection 2, paragraph a,  
1 32 subparagraph (3), Code 2011, is amended to read as follows:  
1 33 (3) After verifying the eligibility for a tax credit under  
1 34 this paragraph "a", the department of economic development  
1 35 shall issue a film, television, and video project promotion



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2 1 program tax credit certificate to be attached to the person's  
2 2 tax return. The tax credit certificate shall contain the  
2 3 taxpayer's name, address, tax identification number, the date  
2 4 of project completion, the amount of credit, other information  
2 5 required by the department of revenue, and a place for the name  
2 6 and tax identification number of a transferee and the amount  
2 7 of the tax credit being transferred. Tax credit certificates  
2 8 issued under this paragraph "a" may be transferred to any person  
2 9 or entity. Within ninety days of transfer, the transferee  
2 10 shall submit the transferred tax credit certificate to the  
2 11 department of revenue along with a statement containing the  
2 12 transferee's name, tax identification number, and address,  
2 13 and the denomination that each replacement tax credit  
2 14 certificate is to carry and any other information required by  
2 15 the department of revenue. Within thirty days of receiving  
2 16 the transferred tax credit certificate and the transferee's  
2 17 statement, the department of revenue shall issue one or more  
2 18 replacement tax credit certificates to the transferee. Each  
2 19 replacement tax credit certificate must contain the information  
2 20 required for the original tax credit certificate and must have  
2 21 the same expiration date that appeared in the transferred  
2 22 tax credit certificate. Tax credit certificate amounts  
2 23 of less than the minimum amount established by rule of the  
2 24 department of economic development shall not be transferable.  
2 25 A tax credit shall not be claimed by a transferee under this  
2 26 paragraph "a" until a replacement tax credit certificate  
2 27 identifying the transferee as the proper holder has been  
2 28 issued. The transferee may use the amount of the tax credit  
2 29 transferred against the taxes imposed in chapter 422, divisions  
2 30 II, III, and V, and in chapter 432, and against the moneys and  
2 31 credits tax imposed in section 533.329, for any tax year the  
2 32 original transferor could have claimed the tax credit. Any  
2 33 consideration received for the transfer of the tax credit shall  
2 34 not be included as income under chapter 422, divisions II, III,  
2 35 and V, ~~under chapter 432, or against the moneys and credits tax~~



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~~3 1 imposed in section 533.329. Any consideration paid for the~~  
~~3 2 transfer of the tax credit shall not be deducted from income~~  
~~3 3 under chapter 422, divisions II, III, and V, under chapter~~  
~~3 4 432, or against the moneys and credits tax imposed in section~~  
~~3 5 533.329.~~  
3 6 Sec. 7. Section 15.393, subsection 2, paragraph b,  
3 7 subparagraph (2), Code 2011, is amended to read as follows:  
3 8 (2) After verifying the eligibility for a tax credit under  
3 9 this paragraph "b", the department of economic development  
3 10 shall issue a film, television, and video project promotion  
3 11 program tax credit certificate to be attached to the person's  
3 12 tax return. The tax credit certificate shall contain the  
3 13 taxpayer's name, address, tax identification number, the date  
3 14 of project completion, the amount of credit, other information  
3 15 required by the department of revenue, and a place for the name  
3 16 and tax identification number of a transferee and the amount  
3 17 of the tax credit being transferred. Tax credit certificates  
3 18 issued under this paragraph "b" may be transferred to any person  
3 19 or entity. Within ninety days of transfer, the transferee  
3 20 shall submit the transferred tax credit certificate to the  
3 21 department of revenue along with a statement containing the  
3 22 transferee's name, tax identification number, and address,  
3 23 and the denomination that each replacement tax credit  
3 24 certificate is to carry and any other information required by  
3 25 the department of revenue. Within thirty days of receiving  
3 26 the transferred tax credit certificate and the transferee's  
3 27 statement, the department of revenue shall issue one or more  
3 28 replacement tax credit certificates to the transferee. Each  
3 29 replacement tax credit certificate must contain the information  
3 30 required for the original tax credit certificate and must have  
3 31 the same expiration date that appeared in the transferred  
3 32 tax credit certificate. Tax credit certificate amounts  
3 33 of less than the minimum amount established by rule of the  
3 34 department of economic development shall not be transferable.  
3 35 A tax credit shall not be claimed by a transferee under this





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4 1 paragraph "b" until a replacement tax credit certificate  
4 2 identifying the transferee as the proper holder has been  
4 3 issued. The transferee may use the amount of the tax credit  
4 4 transferred against the taxes imposed in chapter 422, divisions  
4 5 II, III, and V, and in chapter 432, and against the moneys and  
4 6 credits tax imposed in section 533.329, for any tax year the  
4 7 original transferor could have claimed the tax credit. Any  
4 8 consideration received for the transfer of the tax credit shall  
4 9 not be included as income under chapter 422, divisions II, III,  
4 10 and V, ~~under chapter 432, or against the moneys and credits tax~~  
~~4 11 imposed in section 533.329.~~ Any consideration paid for the  
4 12 transfer of the tax credit shall not be deducted from income  
4 13 under chapter 422, divisions II, III, and V, ~~under chapter~~  
~~4 14 432, or against the moneys and credits tax imposed in section~~  
~~4 15 533.329.~~

4 16 Sec. 8. Section 422.7, subsection 9, Code 2011, is amended  
4 17 to read as follows:

4 18 9. Subtract the amount of the alcohol ~~fuel~~ and cellulosic  
4 19 biofuels credit allowable for the tax year under section 40  
4 20 of the Internal Revenue Code to the extent that the credit  
4 21 increased federal adjusted gross income.

4 22 Sec. 9. Section 422.33, subsection 5, paragraph f, Code  
4 23 2011, is amended by striking the paragraph.

4 24 Sec. 10. Section 422.33, subsection 12, paragraph b, Code  
4 25 2011, is amended to read as follows:

4 26 b. The taxes imposed under this division shall be reduced by  
4 27 investment tax credits authorized pursuant to ~~sections~~ section  
4 28 ~~15.333, 15A.9, subsection 4,~~ and section 15E.193B, subsection  
4 29 6.

4 30 Sec. 11. Section 422.35, subsection 7, Code 2011, is amended  
4 31 to read as follows:

4 32 7. Subtract the amount of the alcohol ~~fuel~~ and cellulosic  
4 33 biofuels credit allowable for the tax year under section 40  
4 34 of the Internal Revenue Code to the extent that the credit  
4 35 increased federal taxable income.



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5 1 Sec. 12. Section 422.36, subsection 4, Code 2011, is amended  
5 2 to read as follows:

5 3 4. Foreign and domestic corporations shall file a copy of  
5 4 their federal income tax return for the current tax year with  
5 5 the return required by this section.

5 6 Sec. 13. Section 422.89, subsection 3, unnumbered paragraph  
5 7 1, Code 2011, is amended to read as follows:

5 8 An amount equal to ~~ninety~~ one hundred percent of the tax for  
5 9 the taxable year computed by placing on an annualized basis the  
5 10 taxable income:

5 11 Sec. 14. REPEAL. Section 15A.9, Code 2011, is repealed.

5 12 Sec. 15. RETROACTIVE APPLICABILITY. The following  
5 13 provision or provisions of this division of this Act apply  
5 14 retroactively to January 1, 2011, for tax years beginning on  
5 15 or after that date:

5 16 1. The section of this Act amending section 422.89.

5 17 DIVISION II

5 18 SALES TAXES

5 19 Sec. 16. Section 423.3, subsection 40, Code 2011, is amended  
5 20 to read as follows:

5 21 40. The sales price from the sale of automotive fluids  
5 22 to a retailer to be used either in providing a service which  
5 23 includes the installation or application of the fluids in  
5 24 or on a motor vehicle, which service is subject to section  
5 25 423.2, subsection 6, or to be installed in or applied to a  
5 26 motor vehicle which the retailer intends to sell, which sale  
5 27 is subject to section ~~423.26~~ 321.105A. For purposes of this  
5 28 subsection, automotive fluids are all those which are refined,  
5 29 manufactured, or otherwise processed and packaged for sale  
5 30 prior to their installation in or application to a motor  
5 31 vehicle. They include but are not limited to motor oil and  
5 32 other lubricants, hydraulic fluids, brake fluid, transmission  
5 33 fluid, sealants, undercoatings, antifreeze, and gasoline  
5 34 additives.

5 35 Sec. 17. Section 423.36, subsection 3, paragraph a, Code



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6 1 2011, is amended to read as follows:

6 2 a. The department shall grant and issue to each applicant  
6 3 a permit for each place of business in this state where sales  
6 4 or use tax is collected. A permit is not assignable and is  
6 5 valid only for the person in whose name it is issued and for the  
6 6 transaction of business at the place designated or at a place  
6 7 of relocation within the ~~state~~ same county if the ownership  
6 8 remains the same.

6 9 Sec. 18. Section 423.57, Code 2011, is amended to read as  
6 10 follows:

6 11 423.57 Statutes applicable.

6 12 The director shall administer this subchapter as it relates  
6 13 to the taxes imposed in this chapter in the same manner and  
6 14 subject to all the provisions of, and all of the powers,  
6 15 duties, authority, and restrictions contained in sections  
6 16 423.14, 423.15, 423.16, 423.17, 423.19, 423.20, 423.21, 423.22,  
6 17 423.23, 423.24, 423.25, ~~423.28,~~ 423.29, 423.31, 423.32, 423.33,  
6 18 423.34, 423.34A, 423.35, 423.37, 423.38, 423.39, 423.40,  
6 19 423.41, and 423.42, section 423.43, subsection 1, and sections  
6 20 423.45, 423.46, and 423.47.

6 21 Sec. 19. REPEAL. Section 423.28, Code 2011, is repealed.

6 22 DIVISION III

6 23 PROPERTY TAXES

6 24 Sec. 20. Section 427B.4, Code 2011, is amended to read as  
6 25 follows:

6 26 427B.4 Application for exemption by property owner.

6 27 1. a. An application shall be filed for each project  
6 28 resulting in actual value added for which an exemption is  
6 29 claimed. The first application for exemption shall be filed  
6 30 by the owner of the property with the ~~local assessor~~ governing  
6 31 body of the city or county in which the property is located by  
6 32 February 1 of the assessment year in which the value added is  
~~6 33 first assessed for taxation~~ for which the exemption is first  
6 34 claimed, but not later than the year in which all improvements  
6 35 included in the project are first assessed for taxation, or the



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7 1 following two assessment years.

7 2     b. Applications for exemption shall be made on forms  
7 3 prescribed by the director of revenue and shall contain  
7 4 information pertaining to the nature of the improvement, its  
7 5 cost, the estimated or actual date of completion, whether the  
7 6 exemption schedules described in section 427B.3 or an alternate  
7 7 schedule adopted pursuant to section 427B.1 will be elected,  
7 8 and any other information deemed necessary by the director of  
7 9 revenue.

7 10     2. a. A person may submit a proposal to the city council  
7 11 of the city or the board of supervisors of a county to receive  
7 12 prior approval for eligibility for a tax exemption on new  
7 13 construction. The city council or the board of supervisors, by  
7 14 ordinance, may give its prior approval of a tax exemption for  
7 15 new construction if the new construction is in conformance with  
7 16 the zoning plans for the city or county. The prior approval  
7 17 shall also be subject to the hearing requirements of section  
7 18 427B.1.

7 19     b. Prior approval received under this subsection does not  
7 20 entitle the owner to exemption from taxation until the new  
7 21 construction has been completed and found to be qualified real  
7 22 estate. However, if the tax exemption for new construction is  
7 23 not approved, the person may submit an amended proposal to the  
7 24 city council or board of supervisors to approve or reject.  
7 25     Sec. 21. RETROACTIVE APPLICABILITY. This division of this  
7 26 Act applies retroactively to January 1, 2011, for assessment  
7 27 years beginning on or after that date.

7 28                                     DIVISION IV  
7 29                                     MISCELLANEOUS

7 30     Sec. 22. Section 364.2, subsection 4, paragraph f, Code  
7 31 2011, is amended to read as follows:

7 32     f. (1) A franchise fee assessed by a city may be based  
7 33 upon a percentage of gross revenues generated from sales of the  
7 34 franchisee within the city not to exceed five percent, without  
7 35 regard to the city's cost of inspecting, supervising, and



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8 1 otherwise regulating the franchise. Franchise fees collected  
8 2 pursuant to an ordinance in effect on May 26, 2009, shall be  
8 3 deposited in the city's general fund and such fees collected  
8 4 in excess of the amounts necessary to inspect, supervise, and  
8 5 otherwise regulate the franchise may be used by the city for  
8 6 any other purpose authorized by law. Franchise fees collected  
8 7 pursuant to an ordinance that is adopted or amended on or  
8 8 after May 26, 2009, to increase the percentage rate at which  
8 9 franchise fees are assessed shall be credited to the franchise  
8 10 fee account within the city's general fund and used pursuant  
8 11 to section 384.3A. If a city franchise fee is assessed to  
8 12 customers of a franchise, the fee shall not be assessed to the  
8 13 city as a customer. Before a city adopts or amends a franchise  
8 14 fee rate ordinance or franchise ordinance to increase the  
8 15 percentage rate at which franchise fees are assessed, a revenue  
8 16 purpose statement shall be prepared specifying the purpose or  
8 17 purposes for which the revenue collected from the increased  
8 18 rate will be expended. If property tax relief is listed as  
8 19 a purpose, the revenue purpose statement shall also include  
8 20 information regarding the amount of the property tax relief to  
8 21 be provided with revenue collected from the increased rate.  
8 22 The revenue purpose statement shall be published as provided  
8 23 in section 362.3.

8 24 (2) If a city adopts, amends, or repeals an ordinance  
8 25 imposing a franchise fee, the city shall promptly notify the  
8 26 director of revenue of such action.

8 27 Sec. 23. Section 368.24, Code 2011, is amended to read as  
8 28 follows:

8 29 368.24 Notification to public utilities and to the department  
8 30 of revenue.

8 31 Notwithstanding any other provision of law to the contrary,  
8 32 any city that annexes territory or any city from which  
8 33 territory is severed shall provide written notification  
8 34 consisting of a legal description and map of the annexed or  
8 35 severed territory, each street address within the annexed



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9 1 or severed area, where possible, a statement containing the  
9 2 effective date of the annexation or severance and a copy of  
9 3 the order, resolution, or ordinance proclaiming the annexation  
9 4 or severance to all public utilities operating in the annexed  
9 5 or severed area and to the department of revenue. If the  
9 6 notification of ~~the an~~ annexation is provided to a public  
9 7 utility less than sixty days prior to the effective date of the  
9 8 annexation, the public utility shall have sixty days from the  
9 9 date of notification to adjust its tax and accounting records  
9 10 to reflect the annexation for any tax purpose.

9 11 Sec. 24. Section 424.2, subsections 6, 10, and 13, Code  
9 12 2011, are amended to read as follows:

9 13 6. "Depositor" means the person who deposits petroleum into  
9 14 an underground storage tank subject to regulation under chapter  
9 15 455G or an aboveground petroleum storage tank as defined  
9 16 in section 101.21, located at a retail motor ~~vehicle~~ fuel  
9 17 outlet if the aboveground storage tank is physically connected  
9 18 directly to pumps which dispense petroleum that is sold at the  
9 19 motor ~~vehicle~~ fuel outlet on a retail basis.

9 20 10. "Owner or operator" means "owner or operator" of an  
9 21 underground storage tank as used in chapter 455G or the "owner"  
9 22 or "operator" of an aboveground petroleum storage tank as  
9 23 defined in section 101.21, located at a retail motor ~~vehicle~~  
9 24 fuel outlet if the aboveground storage tank is physically  
9 25 connected directly to pumps which dispense petroleum that is  
9 26 sold at the motor ~~vehicle~~ fuel outlet on a retail basis.

9 27 13. "Tank" means an underground storage tank subject to  
9 28 regulation under chapter 455G or an aboveground petroleum  
9 29 storage tank as defined in section 101.21, located at a retail  
9 30 motor ~~vehicle~~ fuel outlet if the aboveground storage tank is  
9 31 physically connected directly to pumps which dispense petroleum  
9 32 that is sold at the motor ~~vehicle~~ fuel outlet on a retail  
9 33 basis.

9 34 EXPLANATION

9 35 This bill relates to the technical administration of the tax



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10 1 and related laws by the department of revenue.  
10 2 Division I of the bill relates to income taxes.  
10 3 The division repeals Code section 15A.9, which is the  
10 4 quality jobs enterprise zone program. The program, commonly  
10 5 known as the enterprise zone program, is currently administered  
10 6 pursuant to Code sections 15E.191 through 15E.197, and the last  
10 7 contract issued under the quality jobs enterprise zone program  
10 8 is now expired, making Code section 15A.9 no longer necessary.  
10 9 The bill makes changes to Code sections 2.48, 15.119, 15.329,  
10 10 and 422.33 in conformance with the repeal of Code section  
10 11 15A.9.  
10 12 The division amends Code sections 15.293A and 15.393 to  
10 13 eliminate certain income-related references to the insurance  
10 14 premium tax and moneys and credits tax which are not imposed  
10 15 on an income basis. The amended Code sections relate to  
10 16 the tax credits available for brownfield redevelopment, film  
10 17 expenditures, and film investment.  
10 18 In 2010, the refundability of certain investment tax  
10 19 credits related to value-added agricultural products was  
10 20 repealed. Code section 15.333, subsection 1, paragraph "b",  
10 21 which contains a related provision, was not amended at that  
10 22 time. The division strikes Code section 15.333, subsection 1,  
10 23 paragraph "b", to reflect the changes made in 2010.  
10 24 The division amends Code sections 422.7 and 422.35 to update  
10 25 the name of the individual and corporate tax credits for the  
10 26 production of alcohol and biofuels to be the same as the name  
10 27 of the credit available in section 40 of the federal Internal  
10 28 Revenue Code.  
10 29 The division amends Code section 422.36 to provide that  
10 30 domestic corporations must provide a copy of their federal  
10 31 income tax return when filing their state corporation income  
10 32 tax return.  
10 33 In 2009, certain provisions were enacted to increase the  
10 34 standard for the exception to the underpayment of estimated  
10 35 tax penalty for Iowa corporation income tax for annualization



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11 1 of income from 90 percent of the tax liability to 100 percent  
11 2 of the tax liability. Code section 422.89, which contains a  
11 3 similar provision, was not amended at that time. The bill  
11 4 amends Code section 422.89 to reflect the substance of the  
11 5 changes made in 2009. This provision of the bill applies  
11 6 retroactively to January 1, 2011, for tax years beginning on  
11 7 or after that date.

11 8 Division II of the bill relates to sales taxes.

11 9 The division amends Code section 423.3, relating to sales  
11 10 and use tax exemptions, to correct an internal reference to  
11 11 Code section 321.105A relating to the sale of a motor vehicle  
11 12 and the fee for a new vehicle registration.

11 13 Code section 423.28 required motor vehicle dealers to file  
11 14 reports related to the payment of sales tax for the sale of  
11 15 motor vehicles. Because such sales are now subject to the  
11 16 fee for new vehicle registration, such reports are no longer  
11 17 required, and the division repeals Code section 423.28 and  
11 18 makes a conforming amendment to Code section 423.57.

11 19 The division amends Code section 423.36 to provide that a  
11 20 new sales tax permit must be obtained if a place of business is  
11 21 relocated from one county to another rather than from within  
11 22 the state. Without updated sales tax permit information, the  
11 23 distribution of local option sales tax revenue may be impacted.

11 24 Division III of the bill relates to property taxes.

11 25 The division amends Code section 427B.4 to extend by two  
11 26 years the time period for claiming the industrial real estate  
11 27 or cattle facilities property tax exemptions. Currently, a  
11 28 taxpayer cannot claim one of these exemptions unless it is  
11 29 claimed in the first year the property is eligible for the  
11 30 exemption. This provision of the bill applies retroactively  
11 31 to January 1, 2011, for assessment years beginning on or after  
11 32 that date.

11 33 Division IV of the bill contains miscellaneous changes.

11 34 The division amends Code section 364.2, relating to  
11 35 franchise fees imposed by cities, to require a city to notify





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12 1 the department whenever an ordinance imposing a franchise fee  
12 2 is adopted, amended, or repealed. Because the imposition of  
12 3 a franchise fee requires utilities to stop collecting the  
12 4 local option sales and services tax and instead collect the  
12 5 franchise fee, the adoption, amendment, or repeal of such a fee  
12 6 impacts the department's distribution of local option sales and  
12 7 services tax revenue to local governments.

12 8       The division amends Code section 368.24 to require cities  
12 9 that annex or sever territory to also notify the department of  
12 10 revenue, in addition to notifying public utilities, in order to  
12 11 facilitate the department's distribution of local option sales  
12 12 and service tax revenue to local governments.

12 13       The division amends Code section 424.2, relating to the  
12 14 environmental protection charge, by correcting out=of=date  
12 15 language referring to motor fuel outlets. The division makes  
12 16 language in Code section 424.2 consistent with similar language  
12 17 used in Code chapter 452A, relating to motor fuel and special  
12 18 fuel taxes.

LSB 1232SV (1) 84

tw/sc



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**Senate Study Bill 1124**

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
LOCAL GOVERNMENT BILL  
BY CHAIRPERSON  
WILHELM)

**A BILL FOR**

1 An Act relating to drainage and levee districts by providing  
2 for the delivery of a written communication to state and  
3 local government.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2055SC (2) 84  
da/sc



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1 1 Section 1. NEW SECTION. 468.221 Written communication  
1 2 delivered to the state or a local government.  
1 3 1. This section applies whenever a board or county officer  
1 4 acting under this chapter is required to deliver a written  
1 5 communication to a state agency or local government. The  
1 6 written communication includes but is not limited to a notice,  
1 7 service of process, demand, statement, or a report.  
1 8 2. The board or county officer may deliver the written  
1 9 communication to any of the following:  
1 10 a. For delivery to a state agency, to the administrative  
1 11 head of the state agency or its governing body. The written  
1 12 communication may also be delivered to a person designated by  
1 13 the administrative head of the state agency or its governing  
1 14 body. The written communication may be delivered to the  
1 15 executive council if the administrative head of the state  
1 16 government or its governing body cannot be determined.  
1 17 b. For delivery to a local government, to the governing body  
1 18 of the local government. The written communication may also  
1 19 be delivered to a person designated by the governing body. As  
1 20 used in this paragraph, "local government" includes a county,  
1 21 city, township, or any special purpose district or authority.  
1 22 EXPLANATION  
1 23 RECOMMENDATION. This bill is based on a recommendation of  
1 24 the levee and drainage district law study committee which met  
1 25 in 2010.  
1 26 LEVEE AND DRAINAGE DISTRICTS. The bill addresses levee and  
1 27 drainage districts organized under Code chapter 468 and which  
1 28 authorizes the removal of excess precipitation accumulating  
1 29 on land and protecting land from surface water flooding. A  
1 30 district is managed by a "board" which is the county board of  
1 31 supervisors for a district established in one county, the joint  
1 32 boards of supervisors in a district which crosses county lines  
1 33 (intercounty districts), or by the district's landowners acting  
1 34 through an elected board of trustees (Code section 468.3(2)).  
1 35 DELIVERY OF WRITTEN COMMUNICATION. The bill applies when



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2 1 a board or county officer is required to deliver a written  
2 2 communication to a state agency or local government. Under  
2 3 the bill, the written communication may be delivered to the  
2 4 administrative head of the agency or its governing body or to  
2 5 a person designated by the administrative head or governing  
2 6 body or alternatively to the executive council. The bill also  
2 7 provides that written communication may be delivered to the  
2 8 local government's governing body or to a person designated by  
2 9 the governing body.

LSB 2055SC (2) 84

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## Senate Study Bill 1125

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL  
BY CHAIRPERSON  
DANIELSON)

### A BILL FOR

1 An Act relating to medication therapy management, providing an  
2 appropriation, and including effective date provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2206SC (6) 84  
pf/nh



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Senate Study Bill 1125 continued

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1 1 Section 1. NEW SECTION. 8A.440 Medication therapy  
1 2 management.  
1 3 1. As used in this section unless the context otherwise  
1 4 requires:  
1 5 a. "Eligible employee" means an employee of the state, with  
1 6 the exception of an employee of the state board of regents or  
1 7 institutions under the state board of regents, for whom group  
1 8 health plans are established pursuant to chapter 509A providing  
1 9 for third=party payment or prepayment for health or medical  
1 10 expenses.  
1 11 b. "Medication therapy management" means a systematic  
1 12 process performed by a licensed pharmacist, designed to  
1 13 optimize therapeutic outcomes through improved medication use  
1 14 and reduced risk of adverse drug events, including all of the  
1 15 following services:  
1 16 (1) A medication therapy review and in=person consultation  
1 17 relating to all medications, vitamins, and herbal supplements  
1 18 currently being taken by an eligible individual.  
1 19 (2) A medication action plan, subject to the limitations  
1 20 specified in this section, communicated to the individual and  
1 21 the individual's primary care physician or other appropriate  
1 22 prescriber to address safety issues, inconsistencies,  
1 23 duplicative therapy, omissions, and medication costs. The  
1 24 medication action plan may include recommendations to the  
1 25 prescriber for changes in drug therapy.  
1 26 (3) Documentation and follow=up to ensure consistent levels  
1 27 of pharmacy services and positive outcomes.  
1 28 2. a. The department shall amend the contract for the  
1 29 provision of medication therapy management services as  
1 30 initially required pursuant to 2010 Iowa Acts, chapter 1193,  
1 31 section 166, to provide for the continuation of medication  
1 32 therapy management services for eligible employees who meet any  
1 33 of the following criteria:  
1 34 (1) An individual who takes four or more prescription drugs  
1 35 to treat or prevent two or more chronic medical conditions.



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2 1 (2) An individual with a prescription drug therapy problem  
2 2 who is identified by the prescribing physician or other  
2 3 appropriate prescriber, and referred to a pharmacist for  
2 4 medication therapy management services.  
2 5 (3) An individual who meets other criteria established by  
2 6 the third=party payment provider contract, policy, or plan.  
2 7 b. The contract shall require the entity to provide annual  
2 8 reports to the general assembly detailing the costs, savings,  
2 9 estimated cost avoidance and return on investment, and patient  
2 10 outcomes related to the medication therapy management services  
2 11 provided. The entity shall guarantee demonstrated annual  
2 12 savings, including any savings associated with cost avoidance  
2 13 at least equal to the program's costs with any shortfall amount  
2 14 refunded to the state. The contract shall include terms,  
2 15 conditions, and applicable measurement standards associated  
2 16 with the demonstration of savings. The department shall verify  
2 17 the demonstrated savings reported by the entity was achieved  
2 18 in accordance with the agreed upon measurement standards. The  
2 19 entity shall be prohibited from using the entity's employees to  
2 20 provide the medication therapy management services and shall  
2 21 instead be required to contract with licensed pharmacies,  
2 22 pharmacists, or physicians.  
2 23 c. The department may establish an advisory committee  
2 24 comprised of an equal number of physicians and pharmacists  
2 25 to provide advice and oversight in evaluating the results of  
2 26 the program. The department shall appoint the members of the  
2 27 advisory committee based upon designees of the Iowa pharmacy  
2 28 association, the Iowa medical society, and the Iowa osteopathic  
2 29 medical association.  
2 30 d. The fees for pharmacist=delivered medication therapy  
2 31 management services shall be separate from the reimbursement  
2 32 for prescription drug product or dispensing services; shall  
2 33 be determined by each third=party payment provider contract,  
2 34 policy, or plan; and must be reasonable based on the resources  
2 35 and time required to provide the service.



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3 1 e. A fee shall be established for physician reimbursement  
3 2 for services delivered for medication therapy management as  
3 3 determined by each third-party payment provider contract,  
3 4 policy, or plan, and must be reasonable based on the resources  
3 5 and time required to provide the service.

3 6 f. If any part of the medication therapy management  
3 7 plan developed by a pharmacist incorporates services which  
3 8 are outside the pharmacist's independent scope of practice  
3 9 including the initiation of therapy, modification of dosages,  
3 10 therapeutic interchange, or changes in drug therapy, the  
3 11 express authorization of the individual's physician or other  
3 12 appropriate prescriber is required.

3 13 Sec. 2. APPROPRIATION ==== DEPARTMENT OF ADMINISTRATIVE  
3 14 SERVICES. There is appropriated from the general fund of the  
3 15 state to the department of administrative services for the  
3 16 fiscal year beginning July 1, 2011, and ending June 30, 2012,  
3 17 the following amount or so much thereof as is necessary, to be  
3 18 used for the purpose specified:

3 19 For the medication therapy management program as enacted in  
3 20 this Act:

3 21 ..... \$ 481,000

3 22 Sec. 3. REPEAL. 2010 Iowa Acts, chapter 1193, section 166,  
3 23 is repealed.

3 24 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
3 25 immediate importance, takes effect upon enactment.

3 26 EXPLANATION

3 27 This bill relates to medication therapy management. The  
3 28 bill codifies the pilot program for medication therapy  
3 29 management implemented on July 1, 2010, for eligible state  
3 30 employees, making the program an ongoing program and directing  
3 31 the department of administrative services to amend the  
3 32 existing contract to continue the program beyond the original  
3 33 pilot program repeal date of December 31, 2011. The bill  
3 34 appropriates funds to the department of administrative services  
3 35 for the purpose of the program. The bill takes effect upon





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4 1 enactment.  
LSB 2206SC (6) 84  
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**Senate Study Bill 1126**

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
AGRICULTURE BILL BY  
CHAIRPERSON SENG)

**A BILL FOR**

1 An Act transferring the water resources coordinating council  
2 from the office of the governor to the department of  
3 agriculture and land stewardship.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2483XC (3) 84  
da/nh



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1 1 Section 1. Section 466B.2, subsection 2, Code 2011, is  
1 2 amended by striking the subsection.

1 3 Sec. 2. Section 466B.3, subsection 1, Code 2011, is amended  
1 4 to read as follows:

1 5 1. Council established. A water resources coordinating  
1 6 council is established within the ~~office of the governor~~  
1 7 department of agriculture and land stewardship.

1 8 Sec. 3. Section 466B.3, subsection 4, paragraph c, Code  
1 9 2011, is amended by striking the paragraph.

1 10 Sec. 4. Section 466B.3, subsection 4, paragraph 1,  
1 11 unnumbered paragraph 1, Code 2011, is amended to read as  
1 12 follows:

1 13 The ~~governor~~ secretary, who shall be the chairperson, or  
1 14 the ~~governor's~~ secretary's designee. As the chairperson,  
1 15 and in order to further the coordination efforts of the  
1 16 council, the ~~governor~~ secretary may invite representatives  
1 17 from any other public agency, private organization, business,  
1 18 citizen group, or nonprofit entity to give public input at  
1 19 council meetings, provided the entity has an interest in the  
1 20 coordinated management of land resources, soil conservation,  
1 21 flood mitigation, or water quality. The ~~governor~~ secretary  
1 22 shall also invite and solicit advice from the following:

1 23 Sec. 5. Section 466B.3, subsection 5, paragraph a, Code  
1 24 2011, is amended to read as follows:

1 25 a. The council shall be convened by the ~~office of the~~  
1 26 ~~governor~~ secretary of agriculture at least quarterly.

1 27 Sec. 6. Section 466B.3, subsection 6, paragraph c, Code  
1 28 2011, is amended to read as follows:

1 29 c. The council shall develop recommendations for policies  
1 30 and funding promoting a watershed management approach to  
1 31 reduce the adverse impact of future flooding on this state's  
1 32 residents, businesses, communities, and soil and water quality.

1 33 ~~Policy and funding recommendations shall be submitted to the~~  
1 34 ~~governor and the general assembly not later than November~~

1 35 ~~15, 2009.~~ The council shall consider policies and funding



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2 1 options for various strategies to reduce the impact of  
2 2 flooding including but not limited to additional floodplain  
2 3 regulation; wetland protection, restoration, and construction;  
2 4 the promulgation and implementation of statewide storm water  
2 5 management standards; conservation easements and other land  
2 6 management; perennial ground cover and other agricultural  
2 7 conservation practices; pervious pavement, bioswales, and  
2 8 other urban conservation practices; and permanent or temporary  
2 9 water retention structures. In developing recommendations,  
2 10 the council shall consult with hydrological and land use  
2 11 experts, representatives of cities, counties, drainage and  
2 12 levee districts, agricultural interests, and soil and water  
2 13 conservation districts, and other urban and regional planning  
2 14 experts.

2 15 Sec. 7. Section 466B.5, Code 2011, is amended to read as  
2 16 follows:

2 17 466B.5 Regional watershed assessment, planning, and  
2 18 prioritization.

2 19 1. Regional watershed assessment program. The department of  
2 20 natural resources shall create a regional watershed assessment  
2 21 program. The program shall assess all the regional watersheds  
2 22 in the state.

2 23 a. The statewide assessment shall be conducted at the rate  
2 24 of approximately one=fifth of the watersheds per year, and an  
2 25 initial full assessment shall be completed within five years.  
2 26 Thereafter, the department of natural resources shall review  
2 27 and update the assessments on a regular basis.

2 28 b. Each regional watershed assessment shall provide a  
2 29 summary of the overall condition of the watershed. The  
2 30 information provided in the summary may include land use  
2 31 patterns, soil types, slopes, management practices, stream  
2 32 conditions, and both point and nonpoint source impairments.

2 33 c. In conducting a regional watershed assessment, the  
2 34 department of natural resources may provide opportunities for  
2 35 local data collection and input into the assessment process.



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3 1 2. Planning and prioritization. In conducting the regional  
3 2 watershed assessment program, the department of natural  
3 3 resources shall provide hydrological and geological information  
3 4 sufficient for the water resources coordinating council to  
3 5 prioritize watersheds statewide and for the various communities  
3 6 in those watersheds to plan remedial efforts in their local  
3 7 communities and subwatersheds.

3 8 3. Report to council. Upon completion of the statewide  
3 9 assessment, and upon updating the assessments, the department  
3 10 of natural resources shall report the results of the assessment  
3 11 to the council and the general assembly, and shall make the  
3 12 report publicly available.

3 13 Sec. 8. Section 466B.6, subsection 1, Code 2011, is amended  
3 14 to read as follows:

3 15 1. Facilitation of community-based subwatershed plans. After  
3 16 ~~the department's~~ department of natural resources' completion  
3 17 of the initial regional watershed assessment, and after the  
3 18 council's prioritization of the regional watersheds, the  
3 19 council shall designate one or more of the agencies represented  
3 20 on the council to facilitate the development and implementation  
3 21 of local, community-based subwatershed improvement plans.

3 22 Sec. 9. Section 466B.7, Code 2011, is amended to read as  
3 23 follows:

3 24 466B.7 Community-based subwatershed monitoring.

3 25 1. Monitoring assistance. After completion of the  
3 26 statewide regional watershed assessment and prioritization,  
3 27 and throughout the implementation of local community-based  
3 28 subwatershed improvement plans, the department of natural  
3 29 resources shall assist communities with the monitoring and  
3 30 measurement of local subwatersheds. The monitoring and  
3 31 measurement shall be designed for the particular needs of  
3 32 individual communities.

3 33 2. Data collection and use. Local communities in which  
3 34 the department of natural resources conducts subwatershed  
3 35 monitoring shall use the information to support subwatershed



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4 1 planning activities, do local data collection, and identify  
4 2 priority areas needing additional resources. Local communities  
4 3 shall also collect data over time and use the data to evaluate  
4 4 the impacts of their management efforts.  
4 5     Sec. 10. Section 466B.8, Code 2011, is amended to read as  
4 6 follows:  
4 7     466B.8 Wastewater and storm water infrastructure assessment.  
4 8     The department of natural resources shall assess and  
4 9 prioritize communities within a watershed presenting the  
4 10 greatest level of risk to water quality and the health of  
4 11 residents. This prioritization shall include both sewerred and  
4 12 unsewerred communities.  
4 13     Sec. 11. Section 466B.9, Code 2011, is amended to read as  
4 14 follows:  
4 15     466B.9 Rulemaking authority.  
4 16     The department of natural resources and the department  
4 17 of agriculture and land stewardship shall have the power and  
4 18 authority reasonably necessary to carry out the duties imposed  
4 19 by this chapter. As to the department of natural resources,  
4 20 this includes rulemaking authority to carry out the regional  
4 21 watershed assessment program described in section 466B.5. As  
4 22 to the department of agriculture and land stewardship, this  
4 23 includes rulemaking authority to assist in the implementation  
4 24 of community-based subwatershed improvement plans.  
4 25                                   EXPLANATION  
4 26     This bill amends Code chapter 466B which provides for the  
4 27 protection of surface water in this state by establishing a  
4 28 water resources coordinating council within the office of the  
4 29 governor. The council includes members representing a number  
4 30 of heads of state agencies as well as the deans of colleges  
4 31 of board of regents institutions. The council is responsible  
4 32 for coordinating governmental efforts to improve water quality  
4 33 in an efficient and fiscally responsible manner. The bill  
4 34 also includes programs administered by the department of  
4 35 natural resources and the department of agriculture and land



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Senate Study Bill 1126 continued

5 1 stewardship. The bill transfers the council from the office  
5 2 of the governor to the secretary of agriculture, and provides  
5 3 that the secretary of agriculture and not the governor serves  
5 4 as the council's chairperson. A number of provisions in the  
5 5 Code chapter refer to the department of natural resources as  
5 6 simply "department". The bill includes the full name of the  
5 7 department, but does not change its powers or duties.

LSB 2483XC (3) 84

da/nh



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**Senate Study Bill 1127**

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
AGRICULTURE BILL BY  
CHAIRPERSON SENG)

**A BILL FOR**

1 An Act placing the agricultural development authority within  
2 the department of agriculture and land stewardship.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2482XC (2) 84  
da/nh





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Senate Study Bill 1127 continued

PAG LIN

1 1 Section 1. Section 175.3, subsection 1, paragraphs a and c,  
1 2 Code 2011, are amended to read as follows:

1 3 a. The agricultural development authority is established  
1 4 within the department of agriculture and land stewardship. The  
1 5 agency is constituted as a public instrumentality and agency  
1 6 of the state exercising public and essential governmental  
1 7 functions.

1 8 c. The powers of the authority are vested in and exercised  
1 9 by a board of ten members with nine members appointed by  
1 10 the governor subject to confirmation by the senate. The  
1 11 ~~treasurer of state~~ secretary of agriculture or the treasurer's  
1 12 ~~secretary's~~ designee shall serve as an ex officio nonvoting  
1 13 member. No more than five appointed members shall belong to  
1 14 the same political party. As far as possible the governor  
1 15 shall include within the membership persons who represent  
1 16 financial institutions experienced in agricultural lending, the  
1 17 real estate sales industry, farmers, beginning farmers, average  
1 18 taxpayers, local government, soil and water conservation  
1 19 district officials, agricultural educators, and other persons  
1 20 specially interested in family farm development.

1 21 EXPLANATION

1 22 This bill amends provisions affecting the agricultural  
1 23 development authority (Code chapter 175), which is organized as  
1 24 an independent self=funding agency charged to provide economic  
1 25 assistance to farmers. The authority is controlled by a  
1 26 board of 10 members, including nine members appointed by the  
1 27 governor and the treasurer of state who serves as an ex officio  
1 28 nonvoting member.

1 29 The bill provides that the authority is to be housed within  
1 30 the department of agriculture and land stewardship, and the  
1 31 secretary replaces the treasurer of state as the ex officio  
1 32 nonvoting member.

LSB 2482XC (2) 84  
da/nh



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**Senate Study Bill 1128**

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
AGRICULTURE BILL BY  
CHAIRPERSON SENG)

**A BILL FOR**

1 An Act relating to preferred stock issued by cooperative  
2 associations.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2141SC (2) 84  
da/nh



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Senate Study Bill 1128 continued

PAG LIN

1 1 Section 1. Section 499.24, Code 2011, is amended to read as  
1 2 follows:

1 3 499.24 Preferred stock.

1 4 Preferred stock shall bear cumulative or noncumulative  
1 5 dividends as fixed by the articles, ~~not exceeding eight percent~~  
~~1 6 per annum.~~ It shall have no vote. It shall be issued and  
1 7 be transferable without regard to eligibility or membership,  
1 8 and be redeemable on terms specified in the articles and as  
1 9 provided for in this chapter. The directors shall determine  
1 10 the time and amount of its issue.

1 11 EXPLANATION

1 12 This bill relates to preferred stock issued by a cooperative  
1 13 association organized under Code chapter 499. It eliminates a  
1 14 requirement that the stock's dividends cannot earn more than 8  
1 15 percent per annum.

LSB 2141SC (2) 84

da/nh



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**Senate Study Bill 1129**

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
AGRICULTURE BILL BY  
CHAIRPERSON SENG)

**A BILL FOR**

1 An Act relating to the regulation of egg production.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2217XC (3) 84  
da/rj



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Senate Study Bill 1129 continued

PAG LIN

1 1 Section 1. Section 10A.104, subsection 12, Code 2011, is  
1 2 amended by striking the subsection.

1 3 Sec. 2. Section 196.1, subsection 3, Code 2011, is amended  
1 4 to read as follows:

1 5 3. "Department" means the department of ~~inspections and~~  
~~1 6 appeals, as established in section 10A.102 agriculture and land~~  
1 7 ~~stewardship.~~

1 8 Sec. 3. ADMINISTRATIVE RULES ==== TRANSITION PROVISIONS.

1 9 1. a. Any rule, regulation, form, order, or directive  
1 10 promulgated by the department of inspections and appeals as  
1 11 required to administer and enforce the provisions of chapter  
1 12 196 shall continue in full force and effect until amended,  
1 13 repealed, or supplemented by affirmative action of the  
1 14 department of agriculture and land stewardship.

1 15 b. Any license issued by the department of inspections and  
1 16 appeals under chapter 196, and in effect on the effective date  
1 17 of this Act, shall continue in full force and effect until  
1 18 expiration or renewal.

1 19 2. An administrative hearing or court proceeding arising  
1 20 out of an enforcement action under chapter 196 pending on the  
1 21 effective date of this Act shall not be affected due to this  
1 22 Act. Any cause of action or statute of limitation relating to  
1 23 an action taken by the department of inspections and appeals  
1 24 shall not be affected as a result of this Act and such cause  
1 25 or statute of limitation shall apply to the department of  
1 26 agriculture and land stewardship.

1 27 3. Any personnel in the state merit system of employment  
1 28 who are mandatorily transferred due to the effect of this Act  
1 29 shall be so transferred without any loss in salary, benefits,  
1 30 or accrued years of service.

1 31 4. Any replacement of signs, logos, stationery, insignia,  
1 32 uniforms, and related items that is made due to the effect of  
1 33 this Act shall be done as part of the normal replacement cycle  
1 34 for such items.

1 35

EXPLANATION



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Senate Study Bill 1129 continued

2 1 This bill amends Code chapter 196, which regulates egg  
2 2 production and marketing, including the regulation of so-called  
2 3 "egg handlers" who engage in the purchase or sale of eggs or  
2 4 the use of eggs in the preparation of human food. The Code  
2 5 chapter is regulated by the department of inspections and  
2 6 appeals. The bill requires the department of agriculture and  
2 7 land stewardship to administer the Code chapter.  
2 8 The bill provides transitional provisions to assist the  
2 9 departments in accomplishing the transfer. The provisions  
2 10 relate to the validity of existing rules, regulations, forms,  
2 11 orders, and directives promulgated by the department of  
2 12 inspections and appeals; licenses issued by the department;  
2 13 pending enforcement or civil actions; the transfer of  
2 14 personnel; and replacement of items with insignia.

LSB 2217XC (3) 84

da/rj



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**Senate Study Bill 1130**

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
AGRICULTURE BILL BY  
CHAIRPERSON SENG)

**A BILL FOR**

1 An Act relating to the certification of milk, and the transfer  
2 of duties from the department of public health to the  
3 department of agriculture and land stewardship.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2260XC (2) 84  
da/nh



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Senate Study Bill 1130 continued

PAG LIN

1 1 Section 1. Section 192.109, Code 2011, is amended to read  
1 2 as follows:  
1 3 192.109 Certification of grade "A" label.  
1 4 The ~~Iowa~~ department of ~~public health~~ agriculture and  
1 5 land stewardship shall annually survey and certify all  
1 6 milk labeled grade "A" pasteurized and grade "A" raw milk  
1 7 for pasteurization, and, in the event a survey shows the  
1 8 requirements for production, processing, and distribution for  
1 9 such grade are not being complied with, the fact thereof shall  
1 10 be certified by the ~~Iowa~~ department of ~~public health~~ to the  
1 11 secretary of agriculture who shall proceed with the provisions  
1 12 of section 192.107 for suspending the permit of the violator or  
1 13 who, if the secretary did not issue such permit, shall withdraw  
1 14 the grade "A" declared on the label.  
1 15 Sec. 2. ADMINISTRATIVE RULES ==== TRANSITION PROVISIONS.  
1 16 1. Any rule, regulation, form, order, or directive  
1 17 promulgated by the department of public health as required to  
1 18 administer and enforce the provisions of section 192.109 shall  
1 19 continue in full force and effect until amended, repealed,  
1 20 or supplemented by affirmative action of the department of  
1 21 agriculture and land stewardship.  
1 22 2. An administrative hearing or court proceeding arising  
1 23 out of an enforcement action under section 192.109 pending  
1 24 on the effective date of this Act shall not be affected due  
1 25 to this Act. Any cause of action or statute of limitation  
1 26 relating to an action taken by the department of public health  
1 27 shall not be affected as a result of this Act and such cause  
1 28 or statute of limitation shall apply to the department of  
1 29 agriculture and land stewardship.  
1 30 3. Any personnel in the state merit system of employment  
1 31 who are mandatorily transferred due to the effect of this Act  
1 32 shall be so transferred without any loss in salary, benefits,  
1 33 or accrued years of service.  
1 34 4. Any replacement of signs, logos, stationery, insignia,  
1 35 uniforms, and related items that is made necessary due to





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Senate Study Bill 1130 continued

2 1 the effect of this Act shall be done as part of the normal  
2 2 replacement cycle for such items.

2 3 EXPLANATION

2 4 This bill relates to the regulation of milk or milk  
2 5 products, including labeling requirements (Code chapter 191)  
2 6 or production, processing, or distribution requirements (Code  
2 7 chapter 192), as administered and enforced by the department of  
2 8 agriculture and land stewardship. A person who stores, brings,  
2 9 sends, or receives milk or milk products into this state for  
2 10 commercial purposes must be issued a permit by the department  
2 11 (Code section 192.107).

2 12 The department of public health annually surveys and  
2 13 certifies to the department of agriculture and land stewardship  
2 14 whether milk or milk products comply with the requirements.  
2 15 The secretary of agriculture then must suspend the permit  
2 16 of a violator or withdraw the grade "A" label (Code section  
2 17 192.109). The bill transfers the certification authority  
2 18 from the department of public health to the department of  
2 19 agriculture and land stewardship.

2 20 The bill provides transitional provisions to assist the  
2 21 departments in accomplishing the transfer. The provisions  
2 22 relate to the validity of existing rules, regulations, forms,  
2 23 orders, and directives promulgated by the department of public  
2 24 health; pending enforcement actions; the transfer of personnel;  
2 25 and the replacement of items with insignia.

LSB 2260XC (2) 84

da/nh



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## Senate Study Bill 1131

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
AGRICULTURE BILL BY  
CHAIRPERSON SENG)

### A BILL FOR

1 An Act providing for the transfer of duties relating  
2 to the certification of milk from the department of  
3 public health to the department of agriculture and land  
4 stewardship, providing for the transition, and providing an  
5 appropriation.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSE 2484XC (3) 84  
da/nh



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Senate Study Bill 1131 continued

PAG LIN

1 1 Section 1. Section 192.109, Code 2011, is amended to read  
1 2 as follows:  
1 3 192.109 Certification of grade "A" label.  
1 4 The ~~Iowa~~ department of ~~public health~~ agriculture and  
1 5 land stewardship shall annually survey and certify all  
1 6 milk labeled grade "A" pasteurized and grade "A" raw milk  
1 7 for pasteurization, and, in the event a survey shows the  
1 8 requirements for production, processing, and distribution for  
1 9 such grade are not being complied with, the fact thereof shall  
1 10 be certified by the ~~Iowa~~ department of ~~public health~~ to the  
1 11 secretary of agriculture who shall proceed with the provisions  
1 12 of section 192.107 for suspending the permit of the violator or  
1 13 who, if the secretary did not issue such permit, shall withdraw  
1 14 the grade "A" declared on the label.  
1 15 Sec. 2. ADMINISTRATIVE RULES ==== TRANSITION PROVISIONS.  
1 16 1. Any rule, regulation, form, order, or directive  
1 17 promulgated by the department of public health as required to  
1 18 administer and enforce the provisions of section 192.109 shall  
1 19 continue in full force and effect until amended, repealed,  
1 20 or supplemented by affirmative action of the department of  
1 21 agriculture and land stewardship.  
1 22 2. An administrative hearing or court proceeding arising  
1 23 out of an enforcement action under section 192.109 pending  
1 24 on the effective date of this Act shall not be affected due  
1 25 to this Act. Any cause of action or statute of limitation  
1 26 relating to an action taken by the department of public health  
1 27 shall not be affected as a result of this Act and such cause  
1 28 or statute of limitation shall apply to the department of  
1 29 agriculture and land stewardship.  
1 30 3. Any personnel in the state merit system of employment  
1 31 who are mandatorily transferred due to the effect of this Act  
1 32 shall be so transferred without any loss in salary, benefits,  
1 33 or accrued years of service.  
1 34 4. Any replacement of signs, logos, stationery, insignia,  
1 35 uniforms, and related items that is made necessary due to



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Senate Study Bill 1131 continued

2 1 the effect of this Act shall be done as part of the normal  
2 2 replacement cycle for such items.  
2 3     Sec. 3. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP ====  
2 4 CERTIFICATION OF MILK. There is appropriated from the general  
2 5 fund of the state to the department of agriculture and land  
2 6 stewardship for the fiscal year beginning July 1, 2011, and  
2 7 ending June 30, 2012, the following amount, or so much thereof  
2 8 as is necessary, to be used for the purposes designated:  
2 9     For purposes of performing functions pursuant to section  
2 10 192.109, including conducting a survey of grade "A" milk  
2 11 and certifying the results to the secretary of agriculture,  
2 12 including salaries, support, maintenance, miscellaneous  
2 13 purposes, and for not more than the following full-time  
2 14 equivalent positions:  
2 15 ..... \$     189,196  
2 16 ..... FTEs     2.00  
2 17                                   EXPLANATION  
2 18     This bill relates to the regulation of milk or milk  
2 19 products, including labeling requirements (Code chapter 191)  
2 20 or production, processing, or distribution requirements (Code  
2 21 chapter 192), as administered and enforced by the department of  
2 22 agriculture and land stewardship. A person who stores, brings,  
2 23 sends, or receives milk or milk products into this state for  
2 24 commercial purposes must be issued a permit by the department  
2 25 (Code section 192.107).  
2 26     The department of public health annually surveys and  
2 27 certifies to the department of agriculture and land stewardship  
2 28 whether milk or milk products comply with the requirements.  
2 29 The secretary of agriculture then must suspend the permit  
2 30 of a violator or withdraw the grade "A" label (Code section  
2 31 192.109). The bill transfers the certification authority  
2 32 from the department of public health to the department of  
2 33 agriculture and land stewardship.  
2 34     The bill provides transitional provisions to assist the  
2 35 departments in accomplishing the transfer. The provisions



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3 1 relate to the validity of existing rules, regulations, forms,  
3 2 orders, and directives promulgated by the department of public  
3 3 health; pending enforcement actions; the transfer of personnel;  
3 4 and the replacement of items with insignia.

3 5     The bill appropriates moneys from the general fund of the  
3 6 state and allocates full-time equivalent positions to the  
3 7 department of agriculture and land stewardship for purposes  
3 8 of conducting the survey and certifying the results to the  
3 9 secretary of agriculture.

LSB 2484XC (3) 84

da/nh



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**Senate Study Bill 1132**

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
COMMERCE BILL BY  
CHAIRPERSON DANDEKAR)

**A BILL FOR**

1 An Act relating to the disapproval of rate filings of certain  
2 casualty insurers.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2609XC (3) 84  
av/rj



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Senate Study Bill 1132 continued

PAG LIN

1 1 Section 1. Section 515F.6, subsections 2 and 3, Code 2011,  
1 2 are amended to read as follows:  
1 3 2. If, at any time after a rate has been approved,  
1 4 the commissioner finds that the rate no longer meets the  
1 5 requirements of this chapter, the commissioner ~~may~~ shall  
1 6 order the discontinuance of use of the rate and shall order a  
1 7 refund of the rate, to the extent the commissioner has found  
1 8 the rate excessive, to any person who has paid the rate.  
1 9 ~~The~~ An order of discontinuance or refund may be issued only  
1 10 after a hearing with at least ten days' prior notice for  
1 11 all insurers affected by the order. The order must be in  
1 12 writing and state the grounds for the order. ~~The~~ An order of  
1 13 discontinuance shall state when, within a reasonable period  
1 14 after the order is issued, the order of discontinuance shall  
1 15 be effective. ~~The order shall not affect a contract or policy~~  
~~1 16 made or issued prior to the expiration of the period set forth~~  
~~1 17 in the order. An order of refund shall state the period for~~  
1 18 which the commissioner has found the rate to be excessive, the  
1 19 methodology by which the refund shall be calculated, and the  
1 20 date by which the refund shall be paid to any person who has  
1 21 paid the rate.  
1 22 3. An insured ~~which~~ who is aggrieved with respect to a  
1 23 filing which is in effect may make written application to the  
1 24 commissioner for a hearing on that filing. The application  
1 25 shall specify the grounds to be relied upon by the applicant.  
1 26 If the commissioner finds that the application is made in  
1 27 good faith, that the applicant would be so aggrieved if the  
1 28 applicant's grounds are established, and that the grounds  
1 29 otherwise justify holding a hearing, a hearing shall be held  
1 30 within thirty days after receipt of the application, upon  
1 31 not less than ten days' written notice to the applicant and  
1 32 to every insurer and advisory organization which made that  
1 33 filing. In connection with the hearing, the applicant shall  
1 34 have the right to serve requests for information upon any party  
1 35 to the hearing, to call witnesses, to offer evidence including



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2 1 rebuttal evidence, to cross-examine any witness that another  
2 2 party or the commissioner calls, and to present argument and  
2 3 summation.  
2 4 If, after hearing, the commissioner finds that the  
2 5 filing does not meet the requirements of this chapter, the  
2 6 commissioner shall issue an order specifying in what respects  
2 7 the filing fails to meet the requirements of this chapter, and  
2 8 stating when, within a reasonable period after the order is  
2 9 issued, the filing shall no longer be in effect. If, after  
2 10 hearing, the commissioner finds that the rate is excessive,  
2 11 the commissioner shall issue an order stating the period for  
2 12 which the commissioner has found the rate to be excessive,  
2 13 the methodology by which the refund shall be calculated, and  
2 14 the date by which the refund shall be paid to any person who  
2 15 has paid the rate. Copies of the order shall be sent to the  
2 16 applicant and to every insurer and advisory organization which  
2 17 made that filing. ~~The order shall not affect a contract or~~  
~~2 18 policy made or issued prior to the expiration of the period set~~  
~~2 19 forth in the order.~~

2 20 EXPLANATION

2 21 This bill relates to the disapproval of rate filings of  
2 22 certain casualty insurers by the commissioner of insurance.

2 23 The bill amends Code section 515F.6 to require the  
2 24 commissioner to order the discontinuance of use of a rate  
2 25 when the commissioner finds that the rate no longer meets the  
2 26 requirements of Code chapter 515 and to order a refund of the  
2 27 rate, to the extent that it is excessive, to any person who has  
2 28 paid the rate. The bill specifies the content for orders of  
2 29 discontinuance and refund.

2 30 The bill also specifies what rights an aggrieved insured has  
2 31 in connection with a hearing requested by the insured on a rate  
2 32 filing and specifies the content for orders of discontinuance  
2 33 and refund made by the commissioner upon finding that a rate  
2 34 is excessive.

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av/rj





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**Senate Study Bill 1133**

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
COMMERCE BILL BY  
CHAIRPERSON DANDEKAR)

**A BILL FOR**

1 An Act relating to automobile or motor vehicle insurance  
2 coverage of liability arising from uninsured, underinsured,  
3 or hit=and=run motorists.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2476XC (2) 84  
av/nh



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Senate Study Bill 1133 continued

PAG LIN

1 1 Section 1. Section 516A.1, Code 2011, is amended to read as  
1 2 follows:

1 3 516A.1 Coverage included in every liability policy ====  
1 4 rejection by insured.

1 5 1. No An automobile liability or motor vehicle liability  
1 6 insurance policy insuring against liability for bodily injury  
1 7 or death arising out of the ownership, maintenance, or use of  
1 8 a motor vehicle shall not be delivered or issued for delivery  
1 9 in this state with respect to any motor vehicle registered or  
1 10 principally garaged in this state, unless coverage is provided  
1 11 in such policy or supplemental thereto, for the protection of  
1 12 persons insured under such policy who are legally entitled to  
1 13 recover damages from the owner or operator of an uninsured  
1 14 motor vehicle or a hit-and-run motor vehicle or an underinsured  
1 15 motor vehicle because of bodily injury, sickness, or disease,  
1 16 including death resulting therefrom, caused by accident and  
1 17 arising out of the ownership, maintenance, or use of such  
1 18 uninsured or underinsured motor vehicle, or arising out of  
1 19 physical contact ~~of~~ with, or reasonable avoidance of physical  
1 20 contact with, such hit-and-run motor vehicle with the person  
1 21 insured or with a motor vehicle which the person insured is  
1 22 occupying at the time of the accident. Both the uninsured  
1 23 motor vehicle or hit-and-run motor vehicle coverage, and the  
1 24 underinsured motor vehicle coverage shall include limits for  
1 25 bodily injury or death at least equal to ~~those stated in~~  
~~1 26 section 321A.1, subsection 11 the limits of liability for the~~  
1 27 bodily injury portion of the insurance policy. The form and  
1 28 provisions of such coverage shall be examined and approved by  
1 29 the commissioner of insurance.

1 30 2. However, the The named insured may reject all of ~~such~~  
~~1 31 the coverage required in subsection 1, or reject the uninsured~~  
1 32 motor vehicle (hit-and-run motor vehicle) coverage, or reject  
1 33 the underinsured motor vehicle coverage, by written rejections  
1 34 signed by the named insured. If rejection is made on a form  
1 35 or document furnished by an insurance company or insurance



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2 1 producer, ~~it~~ the rejection shall be on a separate sheet  
2 2 of paper which contains only the rejection and information  
2 3 directly related to ~~it~~ the rejection, including an explanation  
2 4 of the coverage being rejected and the amount of the premium  
2 5 associated with the coverage being rejected. Such coverage  
2 6 need not be provided in or supplemental to a renewal policy if  
2 7 the named insured has rejected the coverage in connection with  
2 8 a policy previously issued to the named insured by the same  
2 9 insurer.

2 10 Sec. 2. Section 516A.2, Code 2011, is amended to read as  
2 11 follows:

2 12 516A.2 Construction ==== minimum coverage ==== ~~stacking~~ step=down  
2 13 provisions.

2 14 1. ~~Except with respect to a policy containing both~~  
~~2 15 underinsured motor vehicle coverage and uninsured or~~  
~~2 16 hit-and-run motor vehicle coverage, nothing~~ Nothing contained  
2 17 in this chapter shall be construed as requiring forms of  
2 18 coverage provided pursuant hereto, whether alone or in  
2 19 combination with similar coverage afforded under other  
2 20 automobile liability or motor vehicle liability policies, to  
2 21 afford limits in excess of those that would be afforded had the  
2 22 insured thereunder been involved in an accident with a motorist  
2 23 who was insured under a policy of liability insurance with  
2 24 the minimum limits for bodily injury or death prescribed in  
2 25 subsection 11 of section 321A.1. Such forms of coverage may  
2 26 include terms, exclusions, limitations, conditions, and offsets  
2 27 which are designed to avoid ~~duplication of insurance or other~~  
~~2 28 benefits duplicate payment of damages.~~

2 29 ~~To the extent that Hernandez v. Farmers Insurance Company,~~  
~~2 30 460 N.W.2d 842 (Iowa 1990), provided for interpolicy stacking~~  
~~2 31 of uninsured or underinsured coverages in contravention of~~  
~~2 32 specific contract or policy language, the general assembly~~  
~~2 33 declares such decision abrogated and declares that the~~  
~~2 34 enforcement of the antistacking provisions contained in a motor~~  
~~2 35 vehicle insurance policy does not frustrate the protection~~



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~~Senate Study Bill 1133 continued~~

~~3 1 given to an insured under section 516A.1.~~

~~3 2 2. Pursuant to chapter 17A, the commissioner of insurance  
3 3 shall, by January 1, 1992, adopt rules to assure the  
3 4 availability, within the state, of motor vehicle insurance  
3 5 policies, riders, endorsements, or other similar forms of  
3 6 coverage, the terms of which shall provide for the stacking of  
3 7 uninsured and underinsured coverages with any similar coverage  
3 8 which may be available to an insured.~~

~~3 9 3. It is the intent of the general assembly that when more  
3 10 than one motor vehicle insurance policy is purchased by or on  
3 11 behalf of an injured insured and which provides uninsured,  
3 12 underinsured, or hit-and-run motor vehicle coverage to an  
3 13 insured injured in an accident, the injured insured is entitled  
3 14 to recover up to an amount equal to the highest single limit  
3 15 for uninsured, underinsured, or hit-and-run motor vehicle  
3 16 coverage under any one of the above described motor vehicle  
3 17 insurance policies insuring the injured person which amount  
3 18 shall be paid by the insurers according to any priority of  
3 19 coverage provisions contained in the policies insuring the  
3 20 injured person.~~

~~3 21 2. A policy to which this chapter applies shall not include  
3 22 exclusions or step-down provisions that eliminate or reduce  
3 23 uninsured or underinsured coverage for a person who would  
3 24 otherwise be covered under the policy, for the reason that  
3 25 the person is injured by, or while occupying a vehicle being  
3 26 operated by, another person insured under the policy.~~

~~3 27 Sec. 3. Section 516A.4, Code 2011, is amended to read as  
3 28 follows:~~

~~3 29 516A.4 Insurer making payment ==== reimbursement ==== settlement  
3 30 ==== substitute tender ==== good faith.~~

~~3 31 1. In the event of payment to any person under the  
3 32 coverage required by this chapter and subject to the terms and  
3 33 conditions of such coverage, the insurer making such payment  
3 34 shall, to the extent thereof, be entitled to the proceeds of  
3 35 any settlement or judgment resulting from the exercise of~~



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4 1 any rights of recovery of such person against any person or  
4 2 organization legally responsible for the bodily injury for  
4 3 which such payment is made, including the proceeds recoverable  
4 4 from the assets of the insolvent insurer, to the extent that  
4 5 the proceeds of the resulting settlement or judgment, when  
4 6 combined with such payment made by the insurer, exceed such  
4 7 person's damages. The person to whom said payment is made  
4 8 under the insolvency protection required by this chapter shall  
4 9 to the extent thereof, be deemed to have waived any right to  
4 10 proceed to enforce such a judgment against the assets of the  
4 11 judgment debtor who was insured by the insolvent insurer whose  
4 12 insolvency resulted in said payment being made, other than  
4 13 assets recovered or recoverable by such judgment debtor from  
4 14 such insolvent insurer.

4 15 2. An insurer providing coverage under this chapter shall,  
4 16 within thirty days after receipt of a written request for  
4 17 permission to settle with any person or organization legally  
4 18 responsible for bodily injury for which coverage is provided  
4 19 under this chapter, either give consent to the settlement or  
4 20 tender substitute payment of the settlement amount. Failure  
4 21 of the insurer to give such consent or to tender substitute  
4 22 payment shall constitute the insurer's consent to the  
4 23 settlement and shall bar the insurer from claiming that the  
4 24 settlement prejudiced the insurer's rights under the policy or  
4 25 this section.

4 26 3. An insurer that pursues, through subrogation or  
4 27 assignment, a claim against any person or organization legally  
4 28 responsible for bodily injury for which the insurer has made  
4 29 payments under this chapter, shall include in such claim all  
4 30 damages of the subrogor or assignor of the claim, and shall  
4 31 tender to the subrogor or assignor any amounts to which the  
4 32 subrogor or assignor would have been entitled under subsection  
4 33 1 if the subrogor or assignor had directly pursued the claim.

4 34 4. An insurer shall act in good faith in response to a  
4 35 claim for benefits under coverage required by this chapter.



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5 1 An insurer who fails to act in good faith in response to such  
5 2 a claim for benefits shall be liable to the person owed such  
5 3 benefits for all damages caused by such failure, including  
5 4 interest, reasonable attorney fees and expenses, and punitive  
5 5 damages if the required showing is made pursuant to chapter  
5 6 668A. For the purposes of this subsection, "good faith" means  
5 7 an informed judgment based on honesty and diligence, supported  
5 8 by evidence that the insurer knew or should have known at the  
5 9 time the insurer made a decision on the claim. The insurer  
5 10 shall have the burden of proving that it acted in good faith.

5 11 EXPLANATION

5 12 This bill relates to automobile or motor vehicle insurance  
5 13 coverage of liability arising from uninsured, underinsured, or  
5 14 hit=and=run motorists.

5 15 Code section 516A.1 is amended to require coverage for  
5 16 damages arising out of reasonable avoidance of physical contact  
5 17 with a hit=and=run motor vehicle. Coverage for uninsured,  
5 18 underinsured, and hit=and=run motor vehicle liability must  
5 19 equal the limits of liability for the bodily injury portion  
5 20 of the insurance policy instead of the statutory amounts  
5 21 required for proof of financial responsibility in Code section  
5 22 321A.1(11). A form furnished by the insurance company allowing  
5 23 an insured to reject any or all of the required coverage must  
5 24 include an explanation of the coverage being rejected and the  
5 25 amount of premium associated with the coverage being rejected.

5 26 Code section 516A.2(1) is amended to provide that such  
5 27 coverage may include provisions that are designed to avoid  
5 28 duplicate payment of damages. The remainder of Code sections  
5 29 516A.2(1) and 516A.2(2) relating to stacking of uninsured and  
5 30 underinsured coverages, and Code section 516A.2(3) relating to  
5 31 coverage under multiple motor vehicle insurance policies of  
5 32 one insured, are stricken. Code section 516A.2 is amended to  
5 33 prohibit exclusions or step=down provisions in motor vehicle  
5 34 insurance policies that eliminate or reduce uninsured or  
5 35 underinsured coverage for a person who would otherwise be



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6 1 covered under the policy, because the person is injured by, or  
6 2 while in a vehicle being operated by, another person insured  
6 3 under the policy.  
6 4 Code section 516A.4(1) is amended to provide that an insurer  
6 5 who has made payments under a policy to an injured party is  
6 6 entitled to proceeds of a resulting settlement or judgment  
6 7 against the person responsible for those damages only to the  
6 8 extent that the proceeds combined with payment made by the  
6 9 insurer exceed the injured party's damages.  
6 10 Code section 516A.4(2) provides that an insurer has 30 days  
6 11 after receipt of a request for permission to settle against  
6 12 the responsible party, to either consent to the settlement  
6 13 or to tender substitute payment of the settlement amount, or  
6 14 such failure will constitute consent and bar the insurer from  
6 15 claiming prejudice as a result of the settlement.  
6 16 Code section 516A.4(3) provides that when an insurer pursues  
6 17 a claim, through subrogation or assignment, against the party  
6 18 responsible for bodily injury for which the insurer has made  
6 19 payments, the insurer shall include the damages of the subrogor  
6 20 or assignor and tender the amount to the assignor or subrogor  
6 21 that the person would have been entitled to if that person had  
6 22 pursued the claim directly.  
6 23 Code section 516A.4(4) requires an insurer to act in good  
6 24 faith in response to a claim for uninsured, underinsured, or  
6 25 hit-and-run benefits under Code chapter 516A and provides  
6 26 that an insurer that does not act in good faith is liable  
6 27 to the person owed such benefits for all damages caused by  
6 28 that failure, including interest, reasonable attorney fees  
6 29 and expenses, and punitive damages upon the showing required  
6 30 under Code chapter 668A. For the purposes of this provision,  
6 31 "good faith" means an informed judgment based on honesty and  
6 32 diligence, supported by evidence that the insurer knew or  
6 33 should have known at the time the insurer made a decision on  
6 34 the claim. The insurer has the burden of proving that it acted  
6 35 in good faith.

LSB 2476XC (2) 84

av/nh



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**Senate Study Bill 1134**

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
VETERANS AFFAIRS BILL  
BY CHAIRPERSON BEALL)

**A BILL FOR**

1 An Act relating to the injured veterans grant program.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2402XC (2) 84  
aw/sc





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1 1 Section 1. Section 35A.14, subsection 5, Code 2011, is  
1 2 amended by adding the following new paragraph:  
1 3 NEW PARAGRAPH. d. A seriously injured veteran meeting  
1 4 all other requirements of this section may receive additional  
1 5 grants for subsequent, unrelated injuries that meet the  
1 6 requirements of this section.

1 7 EXPLANATION

1 8 This bill allows for a seriously injured veteran who has  
1 9 previously received an injured veterans grant to receive  
1 10 additional grants from the injured veterans grant program for  
1 11 subsequent, unrelated injuries which meet the requirements of  
1 12 the program.

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aw/sc



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## Senate Study Bill 1135

SENATE/HOUSE FILE  
BY (PROPOSED GOVERNOR'S  
BILL)

### A BILL FOR

1 An Act relating to the organization of the executive branch  
2 agencies responsible for administering economic development  
3 programs, making certain properly related changes, and  
4 including effective date and transition provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2042XL (21) 84  
tw/sc



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1 1 DIVISION I  
1 2 IOWA PARTNERSHIP FOR ECONOMIC PROGRESS AND ECONOMIC PROGRESS  
1 3 AUTHORITY  
1 4 Section 1. Section 15.101, Code 2011, is amended by striking  
1 5 the section and inserting in lieu thereof the following:  
1 6 15.101 Findings and purpose ==== partnership described.  
1 7 1. The general assembly finds that economic development  
1 8 is an important public purpose and that both the public  
1 9 and private sectors have a shared interest in fostering the  
1 10 economic vitality of the state. Therefore, it is the purpose  
1 11 of this subchapter to implement economic development policy in  
1 12 the state by means of a collaboration between government and  
1 13 the private sector.  
1 14 2. The collaboration shall involve the partnership for  
1 15 economic progress, the economic progress authority, and the  
1 16 economic progress corporation, all of which shall work together  
1 17 to further economic development policy according to the  
1 18 provisions of this subchapter.  
1 19 Sec. 2. Section 15.102, Code 2011, is amended by adding the  
1 20 following new subsections:  
1 21 NEW SUBSECTION. 01. "Authority" means the economic progress  
1 22 authority created in section 15.105.  
1 23 NEW SUBSECTION. 1A. "Chief executive officer" means the  
1 24 chief executive officer of the corporation.  
1 25 NEW SUBSECTION. 2A. "Corporation" means the economic  
1 26 progress corporation created pursuant to section 15.107.  
1 27 NEW SUBSECTION. 4A. "Financial assistance" means assistance  
1 28 provided only from the funds, rights, and assets legally  
1 29 available to the authority and includes but is not limited to  
1 30 assistance in the form of grants, loans, forgivable loans, and  
1 31 royalty payments.  
1 32 NEW SUBSECTION. 5A. "Partnership" means the collaboration  
1 33 between the board, the authority, and the corporation as  
1 34 described in section 15.101.  
1 35 Sec. 3. Section 15.102, subsections 1 and 4, Code 2011, are



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2 1 amended to read as follows:

2 2 1. "Board" means the ~~Iowa economic development board~~ seven  
2 3 members of the authority appointed by the governor and in whom  
2 4 the powers of the authority are vested pursuant to section  
2 5 15.105.

2 6 4. "Director" means the director of the ~~department~~  
~~2 7~~ authority, appointed pursuant to section 15.106C, or the  
2 8 director's designee.

2 9 Sec. 4. Section 15.102, subsection 3, Code 2011, is amended  
2 10 by striking the subsection.

2 11 Sec. 5. Section 15.103, Code 2011, is amended by striking  
2 12 the section and inserting in lieu thereof the following:

2 13 15.103 Partnership for economic progress.

2 14 1. The partnership for economic progress is hereby created.  
2 15 The partnership shall serve as an advisory body within state  
2 16 government and shall function on a continuing basis for the  
2 17 study and recommendation of solutions and policy alternatives  
2 18 for issues arising in the area of economic development.

2 19 2. The powers of the partnership are vested in and shall  
2 20 be exercised by seven members to be appointed by the governor.  
2 21 To the extent possible, the governor shall appoint to the  
2 22 membership of the partnership persons who are actively employed  
2 23 in the private, for-profit sector of the economy or who  
2 24 otherwise have substantial expertise in economic development.

2 25 3. Members of the partnership shall be appointed for  
2 26 staggered terms of two years beginning and ending as provided  
2 27 in section 69.19. A person appointed to fill a vacancy shall  
2 28 serve only for the unexpired portion of the term. A member  
2 29 is eligible for reappointment. A member of the authority  
2 30 may be removed from office by the governor for misfeasance,  
2 31 malfeasance, or willful neglect of duty or other just cause,  
2 32 after notice and hearing, unless the notice and hearing is  
2 33 expressly waived in writing.

2 34 4. Four members of the partnership constitute a quorum and  
2 35 the affirmative vote of a majority of the appointed members



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3 1 is necessary for any action taken by the partnership. The  
3 2 majority shall not include any member who has a conflict of  
3 3 interest and a statement by a member of a conflict of interest  
3 4 shall be conclusive for this purpose. A vacancy in the  
3 5 membership does not impair the right of a quorum to exercise  
3 6 all rights and perform all duties of the authority.

3 7 5. Members of the partnership shall receive a per diem as  
3 8 described in section 7E.6 for each day spent in performance of  
3 9 duties as members and shall be reimbursed for all actual and  
3 10 necessary expenses incurred in the performance of duties as  
3 11 members.

3 12 6. Members of the partnership shall give bond as required  
3 13 for public officers in chapter 64.

3 14 7. The governor or, if the governor so designates, the  
3 15 lieutenant governor shall serve as the chairperson of the  
3 16 partnership. Members shall elect a vice chairperson and  
3 17 secretary biannually, and other officers as they determine.

3 18 8. Meetings of the partnership shall be held at least  
3 19 quarterly and may be held more frequently at the call of the  
3 20 chairperson or when four or more members of the partnership so  
3 21 request.

3 22 Sec. 6. Section 15.104, Code 2011, is amended by striking  
3 23 the section and inserting in lieu thereof the following:

3 24 15.104 Duties and powers of the partnership.

3 25 The partnership created in section 15.103 shall have the  
3 26 following duties and powers:

3 27 1. To call and hold meetings for the purposes described in  
3 28 section 15.103, subsection 1.

3 29 2. To create and maintain records of the partnership's  
3 30 activities and recommendations.

3 31 3. To develop a strategic vision for economic development  
3 32 in Iowa. The partnership shall submit this vision to the  
3 33 authority and the general assembly by January 31 of each year  
3 34 for their consideration.

3 35 Sec. 7. Section 15.105, Code 2011, is amended by striking



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4 1 the section and inserting in lieu thereof the following:  
4 2     15.105 Economic progress authority.  
4 3     1. The economic progress authority is created, and  
4 4 constituted a public instrumentality and agency of the state  
4 5 exercising public and essential governmental functions, to  
4 6 undertake programs which implement economic development policy  
4 7 in the state, and to undertake certain finance programs.  
4 8     a. The powers of the authority are vested in and shall be  
4 9 exercised by a board of seven voting members appointed by the  
4 10 governor subject to confirmation by the senate.  
4 11     b. There shall be four ex officio, nonvoting legislative  
4 12 members consisting of the following:  
4 13         (1) Two state senators, one appointed by the president of  
4 14 the senate after consultation with the majority leader of the  
4 15 senate and one appointed by the minority leader of the senate  
4 16 from their respective parties.  
4 17         (2) Two state representatives, one appointed by the speaker  
4 18 and one appointed by the minority leader of the house of  
4 19 representatives from their respective parties.  
4 20     c. To the extent possible, the governor shall appoint  
4 21 persons who are actively employed in the private, for-profit  
4 22 sector of the economy or who otherwise have substantial  
4 23 expertise in economic development.  
4 24     2. Members of the authority shall be appointed for staggered  
4 25 terms of four years beginning and ending as provided in section  
4 26 69.19. A person appointed to fill a vacancy shall serve only  
4 27 for the unexpired portion of the term. A member is eligible  
4 28 for reappointment. A member of the authority may be removed  
4 29 from office by the governor for misfeasance, malfeasance, or  
4 30 willful neglect of duty or other just cause, after notice and  
4 31 hearing, unless the notice and hearing is expressly waived in  
4 32 writing.  
4 33     3. Four members of the authority constitute a quorum, and  
4 34 the affirmative vote of a majority of the appointed members is  
4 35 necessary for any action taken by the authority. The majority



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5 1 shall not include any member who has a conflict of interest  
5 2 and a statement by a member of a conflict of interest shall be  
5 3 conclusive for this purpose. A vacancy in the membership does  
5 4 not impair the right of a quorum to exercise all rights and  
5 5 perform all duties of the authority.  
5 6 4. Members of the authority are entitled to receive a  
5 7 per diem as specified in section 7E.6 for each day spent in  
5 8 performance of duties as members, and shall be reimbursed for  
5 9 all actual and necessary expenses incurred in the performance  
5 10 of duties as members.  
5 11 5. Members of the authority and the director shall give bond  
5 12 as required for public officers in chapter 64.  
5 13 6. Meetings of the authority shall be held at the call of  
5 14 the chairperson or when two members so request.  
5 15 7. Members shall elect a chairperson and vice chairperson  
5 16 annually, and other officers as they determine, but the  
5 17 director shall serve as secretary to the authority.  
5 18 8. The net earnings of the authority, beyond that necessary  
5 19 for retirement of its notes, bonds, or other obligations, or to  
5 20 implement the public purposes and programs herein authorized,  
5 21 shall not inure to the benefit of any person other than the  
5 22 state. Upon termination of the existence of the authority,  
5 23 title to all property owned by the authority, including any  
5 24 such net earnings of the authority, shall vest in the state.  
5 25 The state reserves the right at any time to alter, amend,  
5 26 repeal, or otherwise change the structure, organization,  
5 27 programs, or activities of the authority, including the power  
5 28 to terminate the authority, except that no law shall impair  
5 29 the obligation of any contract or contracts entered into by  
5 30 the authority to the extent that any such law would contravene  
5 31 Article I, section 21, of the Constitution of the State of  
5 32 Iowa, or Article I, section 10, of the Constitution of the  
5 33 United States.  
5 34 9. Members of the authority, or persons acting on behalf  
5 35 of the authority while acting within the scope of their agency



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6 1 or employment, are not subject to personal liability resulting  
6 2 from carrying out the powers and duties in this chapter.

6 3 10. The authority shall be the successor entity to the  
6 4 economic development board and the department of economic  
6 5 development which are hereby eliminated. The authority  
6 6 shall assume all duties and responsibilities previously  
6 7 assigned to the economic development board and the department  
6 8 of economic development to the extent that such duties and  
6 9 responsibilities are not otherwise assigned by the provisions  
6 10 of this subchapter.

6 11 Sec. 8. Section 15.106, Code 2011, is amended by striking  
6 12 the section and inserting in lieu thereof the following:

6 13 15.106 Conflicts of interest.

6 14 1. a. If a member or employee of the authority other than  
6 15 the director of the authority has an interest, either direct or  
6 16 indirect, in a contract to which the authority is, or is to be,  
6 17 a party, the interest shall be disclosed to the authority in  
6 18 writing and shall be set forth in the minutes of the authority.

6 19 b. The member or employee having the interest shall not  
6 20 participate in any action of the authority with respect to  
6 21 that contract. A violation of a provision of this subsection  
6 22 is misconduct in office under section 721.2. However, a  
6 23 resolution of the authority is not invalid because of a vote  
6 24 cast by a member in violation of this subsection or of section  
6 25 15.105, subsection 3, unless the vote was decisive in the  
6 26 passage of the resolution.

6 27 c. For the purposes of this subsection, "action of the  
6 28 authority with respect to that contract" means only an action  
6 29 directly affecting a separate contract, and does not include an  
6 30 action which benefits the general public or which affects all  
6 31 or a substantial portion of the contracts included in a program  
6 32 of the authority.

6 33 2. The director shall not have an interest in a bank or  
6 34 other financial institution in which the funds of the authority  
6 35 are, or are to be, deposited or which is, or is to be, acting





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7 1 as trustee or paying agent under a trust indenture to which  
7 2 the authority is a party. The director shall not receive,  
7 3 in addition to fixed salary or compensation, any money or  
7 4 valuable thing, either directly or indirectly, or through any  
7 5 substantial interest in any other corporation or business unit,  
7 6 for negotiating, procuring, recommending, or aiding in any  
7 7 purchase or sale of property, or loan, made by the authority,  
7 8 nor shall the director be pecuniarily interested, either as  
7 9 principal, coprincipal, agent, or beneficiary, either directly  
7 10 or indirectly, or through any substantial interest in any other  
7 11 corporation or business unit, in any such purchase, sale, or  
7 12 loan.

7 13     Sec. 9. NEW SECTION. 15.106A General powers of the  
7 14 authority.

7 15     1. The authority has any and all powers necessary and  
7 16 convenient to carry out its purposes and duties and exercise  
7 17 its specific powers, including but not limited to the power to:

7 18       a. Issue negotiable bonds and notes as provided in this  
7 19 subchapter in order to finance its programs.

7 20       b. Sue and be sued in its own name.

7 21       c. Have and alter a corporate seal.

7 22       d. Make and alter bylaws for its management consistent with  
7 23 the provisions of this chapter.

7 24       e. Make and execute agreements, contracts, and other  
7 25 instruments of any and all types on such terms and conditions  
7 26 as the authority may find necessary or convenient to the  
7 27 purposes of the authority, with any public or private entity,  
7 28 including but not limited to contracts for goods and services.  
7 29 All political subdivisions, other public agencies, and state  
7 30 departments and agencies may enter into contracts and otherwise  
7 31 cooperate with the authority.

7 32       f. Adopt by rule pursuant to chapter 17A procedures relating  
7 33 to competitive bidding, including the identification of those  
7 34 circumstances under which competitive bidding by the authority,  
7 35 either formally or informally, shall be required. In any



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8 1 bidding process, the authority may administer its own bidding  
8 2 and procurement or may utilize the services of the department  
8 3 of administrative services or any other agency. Except when  
8 4 such rules apply, the authority and all contracts made by it in  
8 5 carrying out its public and essential governmental functions  
8 6 with respect to any of its programs shall be exempt from the  
8 7 provisions and requirements of all laws or rules of the state  
8 8 which require competitive bids in connection with the letting  
8 9 of such contracts.  
8 10 g. Acquire, hold, improve, mortgage, lease, and dispose of  
8 11 real and personal property, including but not limited to the  
8 12 power to sell at public or private sale, with or without public  
8 13 bidding, any such property, or other obligation held by it.  
8 14 h. Procure insurance against any loss in connection with its  
8 15 operations and property interests.  
8 16 i. Fix and collect fees and charges for its services.  
8 17 j. Subject to an agreement with bondholders or noteholders,  
8 18 invest or deposit moneys of the authority in a manner  
8 19 determined by the authority, notwithstanding chapter 12B or  
8 20 12C.  
8 21 k. Accept appropriations, gifts, grants, loans, or other  
8 22 aid from public or private entities. A record of all gifts or  
8 23 grants, stating the type, amount, and donor, shall be clearly  
8 24 set out in the authority's annual report along with the record  
8 25 of other receipts.  
8 26 l. Provide to public and private entities technical  
8 27 assistance and counseling related to the authority's purposes.  
8 28 m. In cooperation with other local, state, or federal  
8 29 governmental agencies, conduct research studies, develop  
8 30 estimates of unmet economic development needs, gather and  
8 31 compile data useful to facilitating decision making, and enter  
8 32 into agreements to carry out programs within or without the  
8 33 state which the authority finds to be consistent with the goals  
8 34 of the authority.  
8 35 n. Enter into agreements with the federal government,



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9 1 tribes, and other states to undertake economic development  
9 2 activities in the state of Iowa.  
9 3     o. Own or acquire intellectual property rights including  
9 4 but not limited to copyrights, trademarks, service marks, and  
9 5 patents, and enforce the rights of the authority with respect  
9 6 to such intellectual property rights.  
9 7     p. Make, alter, and repeal rules consistent with the  
9 8 provisions of this chapter, and subject to chapter 17A.  
9 9     q. Form committees or panels as necessary to facilitate the  
9 10 authority's duties.  
9 11     r. Establish one or more funds within the state treasury  
9 12 under the control of the authority and invest moneys of the  
9 13 authority therein. Notwithstanding section 8.33 or 12C.7,  
9 14 or any other provision to the contrary, moneys invested by  
9 15 the treasurer of state pursuant to this subsection shall not  
9 16 revert to the general fund of the state and interest accrued  
9 17 on the moneys shall be moneys of the authority and shall not be  
9 18 credited to the general fund. For purposes of this paragraph,  
9 19 the treasurer of state shall enter into an agreement with the  
9 20 authority to carry out the provisions of this paragraph.  
9 21     s. Select projects to receive assistance by the exercise of  
9 22 diligence and care.  
9 23     t. Exercise generally all powers typically exercised by  
9 24 private enterprises engaged in business pursuits unless the  
9 25 exercise of such a power would violate the terms of this  
9 26 chapter or the Constitution of the State of Iowa.  
9 27     2. Notwithstanding any other provision of law, any purchase  
9 28 or lease of real property, other than on a temporary basis,  
9 29 when necessary in order to implement the programs of the  
9 30 authority or protect the investments of the authority, shall  
9 31 require written notice from the authority to the government  
9 32 oversight standing committees of the general assembly and the  
9 33 prior approval of the executive council.  
9 34     3. The powers enumerated in this section are cumulative of  
9 35 and in addition to those powers enumerated elsewhere in this



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10 1 chapter and such powers do not limit or restrict any other  
10 2 powers of the authority.  
10 3 4. Notwithstanding any other provision of law, the  
10 4 authority may elect to utilize any or all of the goods or  
10 5 services available from other state agencies in the conduct  
10 6 of its affairs. Departments, boards, commissions, or other  
10 7 agencies of the state shall provide reasonable assistance and  
10 8 services to the authority upon the request of the director.  
10 9 Sec. 10. NEW SECTION. 15.106B Specific program powers.  
10 10 1. In addition to the general powers described in section  
10 11 15.106A, the authority shall have all powers convenient and  
10 12 necessary to carry out its programs.  
10 13 2. For purposes of this section, "powers convenient and  
10 14 necessary" includes but is not limited to the power to:  
10 15 a. Undertake more extensive research and discussion of  
10 16 the issues identified by the partnership in order to better  
10 17 formulate and implement state economic development policy.  
10 18 b. Establish a nonprofit corporation pursuant to section  
10 19 15.107, for the purpose of receiving and disbursing funds from  
10 20 public or private sources to be used to further the overall  
10 21 development and economic well-being of the state.  
10 22 c. Provide export documentation to Iowa businesses that are  
10 23 exporting goods and services if no other government entity is  
10 24 providing export documentation in a form deemed necessary for  
10 25 international commerce.  
10 26 d. (1) Pursuant to a contract executed between the  
10 27 authority and the corporation, the authority may delegate to  
10 28 the corporation the performance of the following functions on  
10 29 behalf of the authority:  
10 30 (a) Marketing and promotional activities.  
10 31 (b) Policy research.  
10 32 (c) Economic analysis.  
10 33 (d) Expansion of international markets for Iowa-produced  
10 34 or Iowa-based products.  
10 35 (e) Consulting services. However, such consulting



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11 1 services shall not be provided in relation to an applicant for  
11 2 financial assistance under any of the programs administered  
11 3 by the authority or to persons who have an interest in or any  
11 4 financial connection to the corporation.  
11 5 (2) A contract executed pursuant to this paragraph "d"  
11 6 shall not delegate an essential government function, including  
11 7 the budgetary or personnel management responsibilities of the  
11 8 authority, and shall not delegate any sovereign power of the  
11 9 state.  
11 10 (3) The terms of a contract executed pursuant to this  
11 11 paragraph "d" may provide for compensation at the fair market  
11 12 value of the services to be provided under the contract.  
11 13 Sec. 11. NEW SECTION. 15.106C Director ==== responsibilities.  
11 14 1. The board shall appoint a director of the authority,  
11 15 who shall serve at the pleasure of the authority board. The  
11 16 director shall be selected primarily for administrative ability  
11 17 and knowledge in the field and without regard to political  
11 18 affiliation.  
11 19 2. The director shall not, directly or indirectly, exert  
11 20 influence to induce any other officers or employees of the  
11 21 state to adopt a political view or to favor a political  
11 22 candidate for office.  
11 23 3. The director shall advise the authority on matters  
11 24 relating to economic development and act on the authority's  
11 25 behalf to carry out all directives from the authority board in  
11 26 regard to the operation of the authority.  
11 27 4. The director shall designate certain employees as  
11 28 key professional personnel and shall classify and fix the  
11 29 compensation of the personnel so designated.  
11 30 5. The director shall employ personnel as necessary to  
11 31 carry out the duties and responsibilities of the authority.  
11 32 For nonprofessional employees, employment shall be consistent  
11 33 with chapter 8A, subchapter IV. The employment of professional  
11 34 employees shall be exempt from the provisions of chapter 8A,  
11 35 subchapter IV, and chapter 20.



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12 1       6. The director, in consultation with the authority  
12 2 board, may establish incentive programs for employees of the  
12 3 authority.

12 4       Sec. 12. NEW SECTION. 15.106D Bonds and notes.

12 5       1. The authority may issue its negotiable bonds and notes  
12 6 in principal amounts as, in the opinion of the authority, are  
12 7 necessary to provide sufficient funds for achievement of its  
12 8 corporate purposes, the payment of interest on its bonds and  
12 9 notes, the establishment of reserves to secure its bonds and  
12 10 notes, and all other expenditures of the authority incident  
12 11 to and necessary or convenient to carry out its purposes and  
12 12 powers. The bonds and notes shall be deemed to be investment  
12 13 securities and negotiable instruments within the meaning of and  
12 14 for all purposes of the uniform commercial code, chapter 554.

12 15       2. Bonds and notes issued by the authority are payable  
12 16 solely and only out of the moneys, assets, or revenues of the  
12 17 authority, and as provided in the agreement with bondholders  
12 18 or noteholders pledging any particular moneys, assets, or  
12 19 revenues. Bonds or notes are not an obligation of this state  
12 20 or any political subdivision of this state other than the  
12 21 authority within the meaning of any constitutional or statutory  
12 22 debt limitations, but are special obligations of the authority  
12 23 payable solely and only from the sources provided in this  
12 24 chapter, and the authority may not pledge the credit or taxing  
12 25 power of this state or any political subdivision of this state  
12 26 other than the authority, or make its debts payable out of any  
12 27 moneys except those of the authority.

12 28       3. Bonds and notes must be authorized by a resolution of the  
12 29 authority. However, a resolution authorizing the issuance of  
12 30 bonds or notes may delegate to an officer of the authority the  
12 31 power to negotiate and fix the details of an issue of bonds or  
12 32 notes by an appropriate certificate of such authorized officer.

12 33       4. Bonds shall:

12 34       a. State the date and series of the issue, be consecutively  
12 35 numbered, and state on their face that they are payable both



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13 1 as to principal and interest solely out of the assets of  
13 2 the authority, constitute an indebtedness of the authority,  
13 3 and do not constitute an indebtedness of this state or any  
13 4 political subdivision of this state within the meaning of any  
13 5 constitutional or statutory debt limit.  
13 6     b. Be either registered, registered as to principal only,  
13 7 or in coupon form, issued in denominations as the authority  
13 8 prescribes, fully negotiable instruments under the laws of this  
13 9 state, signed on behalf of the authority with the manual or  
13 10 facsimile signature of the chairperson or vice chairperson,  
13 11 attested by the manual or facsimile signature of the secretary,  
13 12 have impressed or imprinted thereon the seal of the authority  
13 13 or a facsimile of the seal of the authority, and the coupons  
13 14 attached shall be signed with the facsimile signature of the  
13 15 chairperson or vice chairperson, be payable as to interest at  
13 16 rates and at times as the authority determines, be payable  
13 17 as to principal at times over a period not to exceed fifty  
13 18 years from the date of issuance, at places, and with reserved  
13 19 rights of prior redemption, as the authority prescribes, be  
13 20 sold at prices, at public or private sale, and in a manner  
13 21 as the authority prescribes, and the authority may pay all  
13 22 expenses, premiums, and commissions which it deems necessary  
13 23 or advantageous in connection with the issuance and sale,  
13 24 and be issued under and subject to the terms, conditions,  
13 25 and covenants providing for the payment of the principal,  
13 26 redemption premiums, if any, interest, and other terms,  
13 27 conditions, covenants, and protective provisions safeguarding  
13 28 payment, not inconsistent with this chapter, as are found to  
13 29 be necessary by the authority for the most advantageous sale,  
13 30 which may include but are not limited to covenants with the  
13 31 holders of the bonds as to:  
13 32     (1) Pledging or creating a lien, to the extent provided  
13 33 by the resolution, on moneys or property of the authority or  
13 34 moneys held in trust or otherwise by others to secure the  
13 35 payment of the bonds.



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14 1       (2) Providing for the custody, collection, securing,  
14 2 investment, and payment of any moneys of or due to the  
14 3 authority.  
14 4       (3) The setting aside of reserves or sinking funds and the  
14 5 regulation or disposition of them.  
14 6       (4) Limitations on the purpose to which the proceeds of  
14 7 sale of an issue of bonds then or thereafter to be issued may  
14 8 be applied.  
14 9       (5) Limitations on the issuance of additional bonds and on  
14 10 the refunding of outstanding or other bonds.  
14 11       (6) The procedure by which the terms of a contract with the  
14 12 holders of bonds may be amended or abrogated, the amount of  
14 13 bonds the holders of which must consent thereto, and the manner  
14 14 in which consent may be given.  
14 15       (7) The creation of special funds into which moneys of the  
14 16 authority may be deposited.  
14 17       (8) Vesting in a trustee properties, rights, powers, and  
14 18 duties in trust as the authority determines, which may include  
14 19 the rights, powers, and duties of the trustee appointed for  
14 20 the holders of any issue of bonds pursuant to section 16.28,  
14 21 in which event the provisions of that section authorizing  
14 22 appointment of a trustee by the holders of bonds shall not  
14 23 apply, or limiting or abrogating the right of the holders of  
14 24 bonds to appoint a trustee under that section, or limiting the  
14 25 rights, duties, and powers of the trustee.  
14 26       (9) Defining the acts or omissions which constitute a  
14 27 default in the obligations and duties of the authority and  
14 28 providing for the rights and remedies of the holders of bonds  
14 29 in the event of a default. However, rights and remedies shall  
14 30 be consistent with the laws of this state and other provisions  
14 31 of this chapter.  
14 32       (10) Any other matters which affect the security and  
14 33 protection of the bonds and the rights of the holders.  
14 34       5. The authority may issue its bonds for the purpose of  
14 35 refunding any bonds or notes of the authority then outstanding,





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15 1 including the payment of any redemption premiums thereon and  
15 2 any interest accrued or to accrue to the date of redemption  
15 3 of the outstanding bonds or notes. Until the proceeds  
15 4 of bonds issued for the purpose of refunding outstanding  
15 5 bonds or notes are applied to the purchase or retirement of  
15 6 outstanding bonds or notes or the redemption of outstanding  
15 7 bonds or notes, the proceeds may be placed in escrow and be  
15 8 invested and reinvested in accordance with the provisions of  
15 9 this chapter. The interest, income, and profits earned or  
15 10 realized on an investment may also be applied to the payment  
15 11 of the outstanding bonds or notes to be refunded by purchase,  
15 12 retirement, or redemption. After the terms of the escrow have  
15 13 been fully satisfied and carried out, any balance of proceeds  
15 14 and interest earned or realized on the investments may be  
15 15 returned to the authority for use by it in any lawful manner.  
15 16 All refunding bonds shall be issued and secured and subject to  
15 17 the provisions of this chapter in the same manner and to the  
15 18 same extent as other bonds issued pursuant to this chapter.  
15 19 6. The authority may issue negotiable bond anticipation  
15 20 notes and may renew them from time to time but the maximum  
15 21 maturity of the notes, including renewals, shall not exceed  
15 22 ten years from the date of issue of the original notes. Notes  
15 23 are payable from any available moneys of the authority not  
15 24 otherwise pledged, or from the proceeds of the sale of bonds  
15 25 of the authority in anticipation of which the notes were  
15 26 issued. Notes may be issued for any corporate purpose of the  
15 27 authority. Notes shall be issued in the same manner as bonds,  
15 28 and notes, and the resolution authorizing them may contain  
15 29 any provisions, conditions, or limitations, not inconsistent  
15 30 with the provisions of this subsection, which the bonds or a  
15 31 bond resolution of the authority may contain. Notes may be  
15 32 sold at public or private sale. In case of default on its  
15 33 notes or violation of any obligations of the authority to  
15 34 the noteholders, the noteholders shall have all the remedies  
15 35 provided in this chapter for bondholders. Notes shall be as



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16 1 fully negotiable as bonds of the authority.  
16 2 7. A copy of each pledge agreement by or to the authority,  
16 3 including without limitation each bond resolution, indenture  
16 4 of trust or similar agreement, or any revisions or supplements  
16 5 to it shall be filed with the secretary of state and no further  
16 6 filing or other action under chapter 554, article 9, of the  
16 7 uniform commercial code, or any other law of the state shall  
16 8 be required to perfect the security interest in the collateral  
16 9 or any additions to it or substitutions for it, and the lien  
16 10 and trust so created shall be binding from and after the time  
16 11 made against all parties having claims of any kind in tort,  
16 12 contract, or otherwise against the pledgor.  
16 13 8. Neither the members of the authority nor any person  
16 14 executing its bonds, notes, or other obligations shall be  
16 15 liable personally on the bonds, notes, or other obligations  
16 16 or be subject to any personal liability or accountability by  
16 17 reason of the issuance of the authority's bonds or notes.  
16 18 Sec. 13. Section 15.107, Code 2011, is amended by striking  
16 19 the section and inserting in lieu thereof the following:  
16 20 15.107 Economic progress corporation.  
16 21 1. The authority shall establish the economic progress  
16 22 corporation as a nonprofit corporation organized under chapter  
16 23 504 and qualifying under section 501(c)(3) of the Internal  
16 24 Revenue Code as an organization exempt from taxation. Unless  
16 25 otherwise provided in this subchapter, the corporation is  
16 26 subject to the provisions of chapter 504. The corporation  
16 27 shall be established for the purpose of receiving and  
16 28 disbursing funds from public or private sources to be used to  
16 29 further the overall development and economic well-being of the  
16 30 state.  
16 31 2. The corporation shall collaborate with the authority as  
16 32 described in this subchapter, but the corporation shall not  
16 33 be considered, in whole or in part, an agency, department, or  
16 34 administrative unit of the state.  
16 35 a. The corporation shall not receive appropriations from the



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- 17 1 general assembly.
- 17 2     b. The corporation shall not be required to comply with
- 17 3 any requirements that apply to a state agency, department, or
- 17 4 administrative unit and shall not exercise any sovereign power
- 17 5 of the state.
- 17 6     c. The corporation does not have authority to pledge the
- 17 7 credit of the state, and the state shall not be liable for
- 17 8 the debts or obligations of the corporation. All debts and
- 17 9 obligations of the corporation shall be payable solely from the
- 17 10 corporation's funds.
- 17 11     3. a. The corporation shall be established so that
- 17 12 donations and bequests to it qualify as tax deductible under
- 17 13 state income tax laws and under section 501(c)(3) of the
- 17 14 Internal Revenue Code.
- 17 15     b. The corporation shall be established for the purpose
- 17 16 of expanding economic development opportunities in the state
- 17 17 of Iowa and for Iowa businesses operating in foreign markets
- 17 18 in connection with the public purpose of economic development
- 17 19 in Iowa. The corporation may effectuate this purpose by
- 17 20 performing certain functions delegated to it by the authority
- 17 21 pursuant to section 15.106B.
- 17 22     4. The articles of the corporation shall provide for its
- 17 23 governance and its efficient management. In providing for its
- 17 24 governance, the articles of the corporation shall address the
- 17 25 following:
- 17 26     a. A board of directors to govern the corporation which
- 17 27 shall be comprised of seven members initially appointed by the
- 17 28 governor and thereafter selected by a majority vote of the
- 17 29 authority board.
- 17 30     b. The appointment of a chief executive officer by the board
- 17 31 to manage the corporation's daily operations.
- 17 32     c. The delegation of such powers and responsibilities
- 17 33 to the chief executive officer as may be necessary for the
- 17 34 corporation's efficient operation.
- 17 35     d. The employment of personnel necessary for the efficient



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18 1 performance of the duties assigned to the corporation in  
18 2 connection with the partnership. All such personnel shall be  
18 3 considered employees of a private, nonprofit corporation and  
18 4 shall be exempt from the personnel requirements imposed on  
18 5 state agencies, departments, and administrative units.  
18 6 e. The financial operations of the corporation including the  
18 7 authority to receive and expend funds from public and private  
18 8 sources and to use its property, money, or other resources for  
18 9 the purpose of the corporation.  
18 10 5. The board of directors of the corporation and the chief  
18 11 executive officer shall act to ensure all of the following:  
18 12 a. That the corporation review and, at the board's  
18 13 direction, implement the strategic plan developed by the  
18 14 partnership pursuant to section 15.104.  
18 15 b. That the corporation prepares an annual budget that  
18 16 includes funding levels for the corporation's activities and  
18 17 that shows sufficient moneys are available to support those  
18 18 activities.  
18 19 c. That the corporation prepares an annual report for the  
18 20 authority on the corporation's activities no later than January  
18 21 31 of each year.  
18 22 d. That the corporation prepares or causes to be prepared a  
18 23 financial audit conducted by a certified public accountant in  
18 24 accordance with generally accepted accounting principles.  
18 25 6. The corporation shall keep confidential all information  
18 26 disclosed to it by the authority as part of a contract executed  
18 27 pursuant to section 15.106B.  
18 28 Sec. 14. NEW SECTION. 15.107A Duties and responsibilities  
18 29 of the corporation.  
18 30 1. The corporation's board of directors and the chief  
18 31 executive officer shall determine the activities and priorities  
18 32 of the corporation within the general parameters of the duties  
18 33 and responsibilities described in this section and in this  
18 34 subchapter.  
18 35 2. The corporation shall, to the extent its articles so



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19 1 provide and within its public purpose, do all of the following:  
19 2     a. Perform any functions delegated by the authority pursuant  
19 3 to section 15.106B.  
19 4     b. Encourage, stimulate, and support the development and  
19 5 expansion of the state's economy.  
19 6     c. Develop and implement effective marketing and promotional  
19 7 programs.  
19 8     d. Provide pertinent information to prospective new  
19 9 businesses.  
19 10    e. Formulate and pursue programs for encouraging the  
19 11 location of new businesses in the state and for retaining and  
19 12 fostering the growth of existing businesses.  
19 13    f. Solicit the involvement of the private sector, including  
19 14 support and funding, for economic development initiatives in  
19 15 the state.  
19 16    g. Coordinate the economic development efforts of other  
19 17 state and local entities in an effort to achieve policy  
19 18 consistency.  
19 19    h. Collect and maintain any economic data and research that  
19 20 is relevant to the formulation and implementation of effective  
19 21 policies.  
19 22    i. Encourage the expansion of trade and the export of Iowa  
19 23 products and services to national and international markets.  
19 24    j. Cooperate with and provide information to state agencies,  
19 25 local governments, community colleges, and the regents  
19 26 universities on economic development matters, including the  
19 27 areas of workforce development and job training.  
19 28    k. Work in consultation with the Iowa innovation council  
19 29 established in section 15.117A to formulate policy ideas and  
19 30 further innovation within the state's economy.  
19 31    Sec. 15. NEW SECTION. 15.107B Annual reporting  
19 32 requirements.  
19 33    1. On or before January 31 of each year, the director shall  
19 34 submit to the authority board a report that describes the  
19 35 activities of the authority during the preceding fiscal year.



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20 1 The report may include such information as the director deems  
20 2 necessary or as otherwise required by law.  
20 3 2. The report submitted pursuant to subsection 1 shall at a  
20 4 minimum include the following:  
20 5 a. A summary of the report filed by December 1 of each year  
20 6 by the department of administrative services with the authority  
20 7 regarding targeted small business procurement activities  
20 8 conducted during the previous fiscal year.  
20 9 b. A summary of the report filed by December 1 of each year  
20 10 by the department of inspections and appeals with the authority  
20 11 regarding certifications of targeted small businesses. At a  
20 12 minimum, the summary shall include the number of certified  
20 13 targeted small businesses for the previous year, the increase  
20 14 or decrease in that number during the previous fiscal year  
20 15 compared to the prior fiscal year, and the number of targeted  
20 16 small businesses that have been decertified in the previous  
20 17 fiscal year.  
20 18 c. A summary of the internal report compiled by December  
20 19 1 of each year by the authority regarding the targeted small  
20 20 business financial assistance program. At a minimum, the  
20 21 summary shall contain the number of loans, loan guarantees,  
20 22 and grants distributed during the previous fiscal year, the  
20 23 individual amounts provided to targeted small businesses during  
20 24 the previous fiscal year, and how many financial assistance  
20 25 awards to targeted small businesses were the subject of  
20 26 repayment or collection activity during the previous fiscal  
20 27 year.  
20 28 d. A list of the procurement goals established pursuant to  
20 29 section 73.16, subsection 2, and compiled by the authority's  
20 30 targeted small business marketing and compliance manager and  
20 31 the performance of each agency in meeting the goals. The  
20 32 performance of each agency shall be determined based upon the  
20 33 reports required pursuant to section 73.16, subsection 2.  
20 34 Sec. 16. Section 15.108, subsection 1, paragraph b, Code  
20 35 2011, is amended by striking the paragraph.



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21 1       Sec. 17. REPEAL. Sections 15E.11, 15E.14, 15E.15, and  
21 2 15E.16, Code 2011, are repealed.  
21 3       Sec. 18. CONTINUING VALIDITY OF DEPARTMENT RULES.  
21 4       1. All rules promulgated by the department of economic  
21 5 development shall be valid and enforceable after the  
21 6 elimination of the department as rules promulgated by the  
21 7 economic progress authority.  
21 8       2. As soon as practicable, the authority shall adopt revised  
21 9 rules issued under its own rulemaking authority.  
21 10      Sec. 19. TRANSITION OF EMPLOYEES.  
21 11      1. All employees of the department of economic development  
21 12 shall be considered employees of the economic progress  
21 13 authority upon the elimination of the former and creation of  
21 14 the latter.  
21 15      2. Such employees shall suffer no loss in years served,  
21 16 sick leave and vacation time accrued, or other benefits of  
21 17 their current employment upon transition to employment with the  
21 18 authority.  
21 19      3. All employees of the department transitioning to  
21 20 employment with the authority shall be considered employees  
21 21 for purposes of chapter 97B and may elect to remain a covered  
21 22 employee or to file an optional exclusion from membership as  
21 23 provided in section 97B.42A.  
21 24      Sec. 20. CONTINUATION OF FINANCIAL ASSISTANCE.  
21 25      1. Any moneys remaining in any account or fund under the  
21 26 control of the department of economic development on the  
21 27 effective date of this Act and relating to the provisions of  
21 28 this Act shall be transferred to a comparable fund or account  
21 29 under the control of the economic progress authority for such  
21 30 purposes. Notwithstanding section 8.33, the moneys transferred  
21 31 in accordance with this subsection shall not revert to the  
21 32 account or fund from which appropriated or transferred.  
21 33      2. Any license, permit, or contract issued or entered into  
21 34 by the department of economic development relating to the  
21 35 provisions of this Act in effect on the effective date of this



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22 1 Act shall continue in full force and effect pending transfer of  
22 2 such licenses, permits, or contracts to the economic progress  
22 3 authority.

22 4 3. Financial assistance provided for in agreements entered  
22 5 into under the Iowa values fund and financial assistance  
22 6 program pursuant to the provisions of chapter 15G prior to  
22 7 the effective date of this Act shall continue as provided in  
22 8 such agreements. Such agreements shall be administered by the  
22 9 economic progress authority according to the provisions of  
22 10 chapter 15G.

22 11 4. Federal funds utilized by the director of the department  
22 12 of economic development prior to the effective date of this Act  
22 13 to employ personnel necessary for the administration of the  
22 14 department's programs shall be applied to and be available for  
22 15 the transfer of such personnel from the department of economic  
22 16 development to the economic progress authority.

22 17 DIVISION II

22 18 MISCELLANEOUS PROGRAM CHANGES

22 19 Sec. 21. Section 10B.5, subsection 2, Code 2011, is amended  
22 20 to read as follows:

22 21 2. Information provided in reports required in this chapter  
22 22 is a confidential record as provided in section 22.7. The  
22 23 attorney general may have access to the reports, and may use  
22 24 information in the reports in any action to enforce state law,  
22 25 including but not limited to chapters 9H, and 9I, ~~and 10C~~.  
22 26 The reports shall be made available to members of the general  
22 27 assembly and appropriate committees of the general assembly  
22 28 in order to determine the extent that agricultural land is  
22 29 held in this state by corporations and other business and  
22 30 foreign entities and the effect of such land ownership upon the  
22 31 economy of this state. The secretary of state shall assist any  
22 32 committee of the general assembly studying these issues.

22 33 Sec. 22. Section 15G.101, subsection 10, Code 2011, is  
22 34 amended to read as follows:

22 35 10. "Fund" means the ~~grow Iowa values~~ economic progress fund





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23 1 created in section 15G.111.

23 2 Sec. 23. Section 15G.111, subsection 1, unnumbered  
23 3 paragraph 1, Code 2011, is amended to read as follows:

23 4 ~~A grow Iowa values~~ An economic progress fund is created  
23 5 in the state treasury under the control of the department of  
~~23 6 economic development~~ economic progress authority consisting of  
23 7 the following:

23 8 Sec. 24. Section 15G.112, subsection 1, paragraph a, Code  
23 9 2011, is amended to read as follows:

23 10 a. The department shall establish and administer ~~a grow Iowa~~  
~~23 11 values~~ an economic progress financial assistance program for  
23 12 purposes of providing financial assistance from the fund to  
23 13 applicants. The financial assistance shall be provided from  
23 14 moneys credited to the ~~grow Iowa values~~ economic progress fund  
23 15 and not otherwise obligated or allocated pursuant to section  
23 16 15G.111.

23 17 Sec. 25. NEW SECTION. 15H.1A Definitions.

23 18 For purposes of this chapter, unless the context otherwise  
23 19 requires:

23 20 1. "Authority" means the economic progress authority created  
23 21 in section 15.105.

23 22 2. "Director" means the director of the authority.

23 23 Sec. 26. Section 15H.2, subsections 1 and 2, Code 2011, are  
23 24 amended to read as follows:

23 25 1. ~~The governor shall establish the Iowa commission on~~  
23 26 ~~volunteer service which shall be part of the governor's office~~  
~~23 27 is created within the authority.~~ The governor shall appoint  
23 28 the commission's members. The director shall employ personnel  
23 29 as necessary to carry out the duties and responsibilities of  
23 30 the commission.

23 31 2. The mission of the commission is to advise and  
23 32 assist the director in the development and implementation  
23 33 of a comprehensive, statewide plan for promoting volunteer  
23 34 involvement and citizen participation in Iowa, as well  
23 35 as to serve as the state's liaison to national and state



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24 1 organizations which support the commission's mission.  
24 2 Sec. 27. Section 15H.3, Code 2011, is amended by striking  
24 3 the section and inserting in lieu thereof the following:  
24 4 15H.3 Volunteer service commission membership.  
24 5 1. The Iowa commission on volunteer service shall consist of  
24 6 such authority personnel as the director deems best qualified  
24 7 to administer the programs, duties, and responsibilities of the  
24 8 commission.  
24 9 2. The Iowa commission on volunteer service shall not be  
24 10 considered an appointive commission for purposes of chapter 69.  
24 11 Sec. 28. Section 15H.4, subsection 1, Code 2011, is amended  
24 12 to read as follows:  
24 13 1. ~~The governor's office shall serve as the lead agency for~~  
24 14 ~~administration of~~ authority shall administer the commission.  
24 15 The authority may consult with the department of education,  
24 16 the state board of regents, and the department of workforce  
24 17 development, and the department of economic development shall  
24 18 ~~provide for any~~ provide for any additional administrative support as necessary  
24 19 to fulfill the duties of the commission. All other state  
24 20 agencies, at the request of the authority, shall provide  
24 21 assistance to the commission to ensure a fully coordinated  
24 22 state effort for promoting national and community service.  
24 23 Sec. 29. Section 175.37, subsection 2, paragraph a, Code  
24 24 2011, is amended to read as follows:  
24 25 a. Be a person who may acquire or otherwise obtain or lease  
24 26 agricultural land in this state pursuant to chapter 9H or 9I.  
24 27 However, the taxpayer must not be a person who may acquire  
24 28 or otherwise obtain or lease agricultural land exclusively  
24 29 because of an exception provided in one of those chapters or in  
24 30 a provision of another chapter of this Code including but not  
24 31 limited to chapter 10, ~~10C~~, 10D, or 501, or section 15E.207.  
24 32 Sec. 30. Section 260E.7, Code 2011, is amended to read as  
24 33 follows:  
24 34 260E.7 ~~Department of economic development~~ Economic progress  
24 35 authority.



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25 1 1. The ~~Iowa department of economic development~~ economic  
25 2 progress authority in consultation with the department of  
25 3 education, the department of revenue, and the department of  
25 4 workforce development shall ~~coordinate~~ administer and monitor  
25 5 the new jobs training program.

25 6 2. The ~~Iowa department of economic development~~ economic  
25 7 progress authority shall adopt, amend, and repeal rules under  
25 8 chapter 17A that the community college will use in developing  
25 9 projects with new and expanding industrial new jobs training  
25 10 proposals and that the authority shall use to monitor the  
25 11 community colleges' compliance.

25 12 3. The authority shall compile a report on the effectiveness  
25 13 of the program. The effectiveness of the program shall be  
25 14 measured by evaluating the number of jobs created by the  
25 15 program and by the amount of withholding taxes from employers  
25 16 that are used to pay for certificates issued pursuant to this  
25 17 chapter.

25 18 4. The ~~department~~ authority is authorized to make any rule  
25 19 that is adopted, amended, or repealed effective immediately  
25 20 upon filing with the administrative rules coordinator or at  
25 21 a subsequent stated date prior to indexing and publication,  
25 22 or at a stated date less than thirty-five days after filing,  
25 23 indexing, and publication.

25 24 Sec. 31. REPEAL. Chapter 10C, Code 2011, is repealed.

25 25 DIVISION III

25 26 OFFICE OF ENERGY INDEPENDENCE TRANSFERRED

25 27 Sec. 32. Section 11.5B, subsection 15, Code 2011, is amended  
25 28 by striking the subsection.

25 29 Sec. 33. Section 15H.6, subsection 1, Code 2011, is amended  
25 30 to read as follows:

25 31 1. The Iowa commission on volunteer service, in  
25 32 collaboration with the department of natural resources, the  
25 33 department of workforce development, ~~the office of energy~~  
25 34 ~~independence,~~ and the utilities board of the department of  
25 35 commerce, shall establish an Iowa green corps program. The



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26 1 commission shall work with the collaborating agencies and  
26 2 nonprofit agencies in developing a strategy for attracting  
26 3 additional financial resources for the program from other  
26 4 sources which may include but are not limited to utilities,  
26 5 private sector, and local, state, and federal government  
26 6 funding sources. The financial resources received shall be  
26 7 credited to the community programs account created pursuant to  
26 8 section 15H.5.

26 9     Sec. 34. Section 22.7, subsection 60, Code 2011, is amended  
26 10 by striking the subsection.

26 11     Sec. 35. Section 103A.8B, Code 2011, is amended to read as  
26 12 follows:

26 13     103A.8B Sustainable design or green building standards.

26 14     The commissioner, after consulting with and receiving  
26 15 recommendations from the department of natural resources  
26 16 ~~and the office of energy independence~~, shall adopt rules  
26 17 pursuant to chapter 17A specifying standards and requirements  
26 18 for sustainable design and construction based upon or  
26 19 incorporating nationally recognized ratings, certifications,  
26 20 or classification systems, and procedures relating to  
26 21 documentation of compliance. The standards and requirements  
26 22 shall be incorporated into the state building code established  
26 23 in section 103A.7, but in lieu of general applicability shall  
26 24 apply to construction projects only if such applicability is  
26 25 expressly authorized by statute, or as established by another  
26 26 state agency by rule.

26 27     Sec. 36. Section 268.6, subsection 2, Code 2011, is amended  
26 28 to read as follows:

26 29     2. The university is encouraged to cooperate with  
26 30 agricultural and energy efficiency advocates and governmental  
26 31 entities in administering the program, ~~including the office of~~  
~~26 32 energy independence established pursuant to section 469.2.~~

26 33     Sec. 37. Section 470.1, Code 2011, is amended by adding the  
26 34 following new subsection:

26 35     NEW SUBSECTION. 01. "Authority" means the economic progress



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27 1 authority created in section 15.105.  
27 2 Sec. 38. Section 470.1, subsection 2, Code 2011, is amended  
27 3 to read as follows:  
27 4 2. "Director" means the director of the ~~office of energy~~  
27 5 ~~independence~~ economic progress authority.  
27 6 Sec. 39. Section 470.1, subsection 8, Code 2011, is amended  
27 7 by striking the subsection.  
27 8 Sec. 40. Section 473.1, Code 2011, is amended by adding the  
27 9 following new subsection:  
27 10 NEW SUBSECTION. 1A. "Authority" means the economic progress  
27 11 authority created in section 15.105.  
27 12 Sec. 41. Section 473.1, subsection 3, Code 2011, is amended  
27 13 to read as follows:  
27 14 3. "Director" means the director of the ~~office~~ authority or  
27 15 a designee.  
27 16 Sec. 42. Section 473.1, subsection 5, Code 2011, is amended  
27 17 by striking the subsection.  
27 18 Sec. 43. REPEAL. Section 455B.851, Code 2011, is repealed.  
27 19 Sec. 44. REPEAL. Chapter 469, Code 2011, is repealed.  
27 20 Sec. 45. CODE EDITOR DIRECTIVE.  
27 21 1. The Code editor is directed to change the words "office  
27 22 of energy independence" to "economic progress authority" in  
27 23 Code sections 7D.34, 7D.35, 8A.362, 72.5, 103A.8, 103A.27,  
27 24 159A.3, 159A.6B, 266.39C, 272C.2, 279.44, 323A.2, 441.21,  
27 25 476.6, and 476.63.  
27 26 2. The Code editor is directed to change the word "office"  
27 27 to "authority" in Code sections 470.3, 470.7, 473.7, 473.8,  
27 28 473.10, 473.13A, 473.15, 473.19, 473.19A, 473.20, 473.20A, and  
27 29 473.41.  
27 30 Sec. 46. TRANSITION PROVISIONS ==== CONTINUATION OF GRANTS.  
27 31 1. Any moneys remaining in any account or fund under the  
27 32 control of the office of energy independence on the effective  
27 33 date of this Act relative to the provisions of this Act shall  
27 34 be transferred to a comparable fund or account under the  
27 35 control of the economic progress authority for such purposes.



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28 1 Notwithstanding section 8.33, the moneys transferred in  
28 2 accordance with this subsection shall not revert to the account  
28 3 or fund from which appropriated or transferred.  
28 4 2. Any license, permit, or contract issued or entered into  
28 5 by the office of energy independence relating to the provisions  
28 6 of this Act in effect on the effective date of this Act shall  
28 7 continue in full force and effect pending transfer of such  
28 8 licenses, permits, or contracts to the authority.  
28 9 3. Grants or loans awarded from the Iowa power fund pursuant  
28 10 to section 469.9 prior to the effective date of this Act shall  
28 11 continue as provided by the terms of the grants or loans and  
28 12 shall be administered by the authority.  
28 13 4. Federal funds utilized by the director of the office of  
28 14 energy independence prior to the effective date of this Act to  
28 15 employ personnel necessary to administer the provisions of this  
28 16 Act shall be applicable to the authority for the same purposes.  
28 17 Sec. 47. TRANSITION PROVISIONS ==== EMERGENCY  
28 18 RULEMAKING. Not later than July 1, 2011, the economic  
28 19 progress authority shall adopt administrative rules previously  
28 20 adopted by the office of energy independence relative to the  
28 21 provisions of this Act in existence on the effective date of  
28 22 this Act by emergency rulemaking pursuant to section 17A.4,  
28 23 subsection 3, and section 17A.5, subsection 2, paragraph "b".  
28 24 The rules shall be effective immediately upon filing unless  
28 25 a later date is specified in the rules. Any rules adopted  
28 26 in accordance with this section shall also be published as a  
28 27 notice of intended action as provided in section 17A.4. Any  
28 28 rule, regulation, form, order, or directive promulgated by the  
28 29 office relative to the provisions of this Act shall continue in  
28 30 full force and effect until such emergency rules are adopted.  
28 31 Sec. 48. EFFECTIVE UPON ENACTMENT. The sections of this  
28 32 division of this Act providing for emergency rulemaking,  
28 33 and repealing section 455B.851, being deemed of immediate  
28 34 importance, take effect upon enactment.  
28 35 DIVISION IV



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29 1 CONFORMING CHANGES  
29 2 Sec. 49. Section 7E.5, subsection 1, paragraph g, Code 2011,  
29 3 is amended to read as follows:  
29 4 g. The ~~Iowa department of economic development~~ progress  
29 5 authority, created in section 15.105, which has ~~primary~~  
29 6 responsibility for programs for carrying out ensuring that the  
29 7 economic development policies of the state are effectively and  
29 8 efficiently carried out.  
29 9 Sec. 50. Section 15.327, Code 2011, is amended by adding the  
29 10 following new subsection:  
29 11 NEW SUBSECTION. 01. "Authority" means the economic progress  
29 12 authority created in section 15.105.  
29 13 Sec. 51. Section 15.327, subsection 5, Code 2011, is amended  
29 14 by striking the subsection.  
29 15 Sec. 52. Section 15E.1, Code 2011, is amended to read as  
29 16 follows:  
29 17 15E.1 Definition.  
29 18 As used in this chapter, unless the context otherwise  
29 19 requires, ~~"department"~~ "authority" means the ~~Iowa department~~  
29 20 ~~of economic development~~ progress authority created in section  
29 21 15.105.  
29 22 Sec. 53. Section 15E.64, subsection 2, paragraph a, Code  
29 23 2011, is amended to read as follows:  
29 24 a. The chairperson of the ~~Iowa economic development board~~  
29 25 progress authority or a designee of the chairperson.  
29 26 Sec. 54. Section 15E.64, subsection 3, Code 2011, is amended  
29 27 to read as follows:  
29 28 3. After incorporation, the initial board of directors  
29 29 shall be elected by the members of an appointment committee.  
29 30 The members of the appointment committee shall be appointed  
29 31 by the ~~Iowa economic development board~~ progress authority.  
29 32 The initial board of directors shall consist of five members.  
29 33 The persons elected to the initial board of directors by  
29 34 the appointment committee shall include persons who have  
29 35 an expertise in the areas of the selection and supervision



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30 1 of investment managers or in the fiduciary management of  
30 2 investment funds, and other areas of expertise as deemed  
30 3 appropriate by the appointment committee. After the election  
30 4 of the initial board of directors, vacancies in the board  
30 5 of directors of the corporation shall be elected by the  
30 6 remaining directors of the corporation. Members of the board  
30 7 of directors shall be subject to any restrictions on conflicts  
30 8 of interest specified in the organizational documents and  
30 9 shall have no interest in any venture capital investment fund  
30 10 allocation manager selected by the corporation pursuant to the  
30 11 provisions of this division or in any investments made by the  
30 12 Iowa fund of funds.

30 13 Sec. 55. Section 15E.202, Code 2011, is amended by adding  
30 14 the following new subsection:

30 15 NEW SUBSECTION. 6A. "Authority" means the economic progress  
30 16 authority created in section 15.105.

30 17 Sec. 56. Section 15E.202, subsection 9, Code 2011, is  
30 18 amended by striking the subsection.

30 19 Sec. 57. Section 15E.202, subsection 10, Code 2011, is  
30 20 amended to read as follows:

30 21 10. "~~Economic development board~~ progress authority" means the  
30 22 ~~economic development board~~ progress authority created pursuant  
30 23 to section ~~15.103~~ 15.105.

30 24 Sec. 58. Section 15E.206, subsection 2, paragraph a, Code  
30 25 2011, is amended to read as follows:

30 26 a. ~~The chairperson~~ A member of the economic development  
~~30 27 board~~ progress authority chosen by the members of the authority  
30 28 or a designee of the ~~chairperson~~ member.

30 29 Sec. 59. Section 15E.206, subsection 3, paragraphs a and d,  
30 30 Code 2011, are amended to read as follows:

30 31 a. After incorporation, such a corporation shall be  
30 32 organized by an initial board of directors as provided in  
30 33 chapter 490, division II. The initial board of directors shall  
30 34 be elected by the members of an appointment committee. The  
30 35 members of the appointment committee shall be appointed by the





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31 1 economic ~~development board~~ progress authority. The initial  
31 2 board of directors shall consist of seven members. The members  
31 3 of the appointment committee shall include persons who have an  
31 4 expertise in areas of banking, agricultural lending, business  
31 5 development, agricultural production and processing, seed and  
31 6 venture capital investment, and other areas of expertise as  
31 7 deemed appropriate by the interim board of directors.  
31 8 d. The department shall assist the incorporators and the  
31 9 appointment committee in any manner determined necessary  
31 10 and appropriate by the economic ~~development board~~ progress  
31 11 authority and the director of the ~~department~~ authority in order  
31 12 to administer this section.  
31 13 Sec. 60. Section 15E.208, subsection 4, paragraph c, Code  
31 14 2011, is amended to read as follows:  
31 15 c. A member of the economic ~~development board~~ progress  
31 16 authority, an employee of the ~~department of economic~~  
31 17 ~~development~~ progress authority, an elected state official,  
31 18 or any director or other officer or an employee of the  
31 19 corporation.  
31 20 Sec. 61. Section 15E.351, subsection 1, Code 2011, is  
31 21 amended to read as follows:  
31 22 1. The ~~department~~ economic progress authority shall  
31 23 establish and administer a business accelerator program  
31 24 to provide financial assistance for the establishment and  
31 25 operation of a business accelerator for technology-based,  
31 26 value-added agricultural, information solutions, alternative  
31 27 and renewable energy including the alternative and renewable  
31 28 energy sectors listed in section 476.42, subsection 1,  
31 29 paragraph "a", or advanced manufacturing start-up businesses  
31 30 or for a satellite of an existing business accelerator. The  
31 31 program shall be designed to foster the accelerated growth of  
31 32 new and existing businesses through the provision of technical  
31 33 assistance. The ~~department, subject to the approval of the~~  
31 34 ~~economic development board,~~ economic progress authority may  
31 35 provide financial assistance under this section from moneys



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32 1 allocated for regional financial assistance pursuant to section  
32 2 15G.111, subsection 9.  
32 3     Sec. 62. Section 15F.101, Code 2011, is amended by adding  
32 4 the following new subsection:  
32 5     NEW SUBSECTION. 01. "Authority" means the economic progress  
32 6 authority created in section 15.105.  
32 7     Sec. 63. Section 15F.101, subsection 2, Code 2011, is  
32 8 amended by striking the subsection.  
32 9     Sec. 64. Section 15G.101, Code 2011, is amended by adding  
32 10 the following new subsection:  
32 11     NEW SUBSECTION. 01. "Authority" means the economic progress  
32 12 authority created in section 15.105.  
32 13     Sec. 65. Section 15G.101, subsection 3, Code 2011, is  
32 14 amended by striking the subsection.  
32 15     Sec. 66. Section 15G.101, subsection 6, Code 2011, is  
32 16 amended by striking the subsection.  
32 17     Sec. 67. Section 15G.115, subsection 2, paragraph a, Code  
32 18 2011, is amended by striking the paragraph.  
32 19     Sec. 68. Section 15G.201, Code 2011, is amended by adding  
32 20 the following new subsection:  
32 21     NEW SUBSECTION. 01. "Authority" means the economic progress  
32 22 authority created in section 15.105.  
32 23     Sec. 69. Section 15G.201, subsection 2, Code 2011, is  
32 24 amended by striking the subsection.  
32 25     Sec. 70. Section 97B.1A, subsection 8, paragraph a, Code  
32 26 2011, is amended by adding the following new subparagraph:  
32 27     NEW SUBPARAGRAPH. (12) Persons employed by the economic  
32 28 progress authority on or after July 1, 2011.  
32 29     Sec. 71. Section 260F.2, Code 2011, is amended by adding the  
32 30 following new subsection:  
32 31     NEW SUBSECTION. 1A. "Authority" means the economic progress  
32 32 authority created in section 15.105.  
32 33     Sec. 72. Section 260F.2, subsection 4, Code 2011, is amended  
32 34 by striking the subsection.  
32 35     Sec. 73. Section 260G.4C, Code 2011, is amended to read as



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33 1 follows:

33 2 260G.4C Facilitator.

33 3 The ~~department of economic development~~ progress authority

33 4 shall administer the statewide allocations of program job

33 5 credits to accelerated career education programs. The

33 6 ~~department~~ authority shall provide information about the

33 7 accelerated career education programs in accordance with its

33 8 annual reporting requirements in section ~~15.104, subsection 8~~

~~33 9 15.107B.~~

33 10 Sec. 74. Section 260G.6, subsection 4, Code 2011, is amended

33 11 to read as follows:

33 12 4. In order to receive moneys pursuant to this section,

33 13 a program agreement approved by the community college board

33 14 of directors shall be in place, program capital cost requests

33 15 shall be approved by the ~~Iowa economic development board~~

~~33 16 progress authority~~ created in section ~~15.103~~ 15.105, program

33 17 capital cost requests shall be approved or denied not later

33 18 than sixty days following receipt of the request by the

33 19 ~~department of economic development~~ progress authority, and

33 20 employer contributions toward program capital costs shall be

33 21 certified and agreed to in the agreement.

33 22 Sec. 75. Section 496B.2, Code 2011, is amended by adding the

33 23 following new subsection:

33 24 NEW SUBSECTION. 01. "Authority" means the economic progress

33 25 authority created in section 15.105, or any entity which

33 26 succeeds to the functions of the authority.

33 27 Sec. 76. Section 496B.2, subsection 2, Code 2011, is amended

33 28 by striking the subsection.

33 29 Sec. 77. CODE EDITOR DIRECTIVE. Sections 10C.6, 15.116,

33 30 15.247, 15.294, 15.335A, 15E.64, 15E.202, 15E.206, 15E.208,

33 31 15E.351, 15G.101, 68B.35, 260G.6, and 308.1, Code 2011, are

33 32 amended as follows:

33 33 1. By striking from the sections the words "economic

33 34 development board" and inserting in lieu thereof the words

33 35 "economic progress authority".



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34 1 2. By striking from the sections the word "board", when  
34 2 referring to the economic development board, and inserting in  
34 3 lieu thereof the word "authority".  
34 4 Sec. 78. CODE EDITOR DIRECTIVE. Sections 7C.4A, 7E.5,  
34 5 8.6, 8.31, 12.38, 12.73, 15.108, 15.109, 15.274, 15.293A,  
34 6 15.294, 15.333, 15.393, 15.411, 15.421, 15A.9, 15E.17, 15E.19,  
34 7 15E.64, 15E.116, 15E.117, 15E.120, 15E.192, 15E.193, 15E.193B,  
34 8 15E.194, 15E.195, 15E.196, 15E.197, 15E.206, 15E.208, 15E.311,  
34 9 15E.351, 15F.102, 15G.109, 15G.110, 15G.111, 15H.5, 15H.6,  
34 10 16.100A, 16.135, 16.191, 19B.7, 22.7, 28I.8, 28J.28, 28L.1,  
34 11 28N.2, 28N.3, 73.16, 73.17, 73.18, 73.19, 73.20, 84A.1A, 84A.5,  
34 12 84A.6, 99F.6, 99F.11, 123.143, 123.183, 159.18, 159.20, 159A.3,  
34 13 159A.6B, 184.6, 185.3, 185C.10, 231.51, 239B.8, 239B.17,  
34 14 256.31, 256.39, 256.40, 260C.18A, 260F.6, 260F.6B, 260F.7,  
34 15 260G.3, 260G.4B, 260G.4C, 260G.6, 262.34A, 262B.3, 262B.23,  
34 16 268.4, 303.3B, 303.3C, 306D.2, 307.49, 307C.3, 321.19, 321.252,  
34 17 335.8, 352.4, 368.9, 403.19A, 403.21, 403.22, 404A.4, 422.16A,  
34 18 422.33, 427B.1, 455B.199B, 455B.433, 455E.11, 455J.6, 461A.79,  
34 19 461A.80, 465A.2, 465B.2, 465B.3, 466B.3, 483A.24, 496B.3,  
34 20 496B.6, 496B.12, 496B.17, Code 2011, are amended as follows:  
34 21 1. By striking from the sections the words "department of  
34 22 economic development" and inserting in lieu thereof the words  
34 23 "economic progress authority".  
34 24 2. By striking from the sections the words "Iowa department  
34 25 of economic development" and inserting in lieu thereof the  
34 26 words "economic progress authority".  
34 27 3. By striking from the sections the word "department",  
34 28 when referring to the department of economic development, and  
34 29 inserting in lieu thereof the word "authority".  
34 30 Sec. 79. CODE EDITOR DIRECTIVE. Sections 15E.231, 15E.232,  
34 31 15E.233, 15G.101, 15G.110, 15G.111, 15G.112, 15G.114, 15G.115,  
34 32 159A.6B, 266.19, 455B.104, and 455B.433, Code 2011, are amend  
34 33 as follows:  
34 34 1. By striking from the sections the words "grow Iowa  
34 35 values fund" and inserting in lieu thereof the words "economic



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35 1 progress fund".

35 2 2. By striking from the sections the words "grow Iowa values  
35 3 financial assistance program" and inserting in lieu thereof the  
35 4 words "economic progress financial assistance program".

35 5 Sec. 80. CODE EDITOR DIRECTIVE.

35 6 1. To the extent not amended or identified by the provisions  
35 7 of this Act, the Code editor is directed to correct all  
35 8 internal references to the economic development board, the  
35 9 department of economic development, the director of the  
35 10 department of economic development, the grow Iowa values  
35 11 fund, and the grow Iowa values financial assistance program  
35 12 by replacing such references with references to the economic  
35 13 progress authority, the director of the economic progress  
35 14 authority, the economic progress fund, and the economic  
35 15 progress financial assistance program, as is appropriate to  
35 16 the context and to the extent that such corrections are in  
35 17 conformance with the intent of this Act.

35 18 2. The Code editor is also directed to correct in the same  
35 19 manner all similar references in any enacted Iowa Acts as  
35 20 necessary.

35 21 EXPLANATION

35 22 This bill relates to economic development by reorganizing  
35 23 the executive branch agencies created to administer economic  
35 24 development programs.

35 25 Currently, the state's economic development programs are  
35 26 administered by the department of economic development which  
35 27 is subject to the oversight of the economic development board.  
35 28 Division I of the bill eliminates both the department and the  
35 29 board and creates in their place the partnership for economic  
35 30 progress, the economic progress authority, and the economic  
35 31 progress corporation.

35 32 The division creates the partnership for economic progress  
35 33 to serve as an advisory body within state government. The  
35 34 partnership must function on a continuing basis for the study  
35 35 and recommendation of solutions and policy alternatives arising



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36 1 in the area of economic development. The partnership is  
36 2 comprised of seven members appointed by the governor. To the  
36 3 extent possible, the governor must appoint persons with private  
36 4 sector economic development experience. Members are appointed  
36 5 for staggered two=year terms. Members are entitled to per  
36 6 diems and must give bond as required in Code chapter 64. The  
36 7 governor, or if the governor so designates, the lieutenant  
36 8 governor serves as the chairperson of the partnership.  
36 9 Meetings are to be held at least quarterly. The partnership  
36 10 has the power to call and hold meetings, keep records, and  
36 11 develop a strategic vision for economic development in Iowa.  
36 12 This vision must be submitted to the authority and the general  
36 13 assembly by January 31 of each year for their consideration.  
36 14     The division creates the economic progress authority as  
36 15 a public instrumentality and agency of the state exercising  
36 16 public and essential governmental functions to undertake  
36 17 programs which implement economic development policy in  
36 18 the state and to undertake certain finance programs. The  
36 19 authority is the successor entity to the department of economic  
36 20 development, which is eliminated, and all of the existing  
36 21 duties of the department pass to the authority. The powers of  
36 22 the authority are vested in a board of seven members appointed  
36 23 by the governor and subject to confirmation by the senate. The  
36 24 board also has four ex officio nonvoting legislative members,  
36 25 two senators and two representatives appointed by legislative  
36 26 leaders. To the extent possible, the members of the board are  
36 27 to be persons actively employed in the private sector or who  
36 28 otherwise have expertise in economic development. Members of  
36 29 the board serve staggered terms of four years. Members are  
36 30 entitled to per diems and must give bond as required in Code  
36 31 chapter 64. The assets and earnings of the authority, beyond  
36 32 those necessary for the retirement of financial obligations or  
36 33 to implement required programs, inure to the benefit of the  
36 34 state. Members of the authority, while acting within the scope  
36 35 of their agency or employment, are not subject to personal



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37 1 liability. Conflicts of interest arising from the actions of  
37 2 the authority are not permitted.

37 3     The division provides the authority certain general powers  
37 4 that are necessary and convenient for purposes of carrying out  
37 5 its duties. Such powers include the power to issue bonds, sue  
37 6 and be sued, have a seal, make bylaws, enter into contracts,  
37 7 adopt rules, acquire property interests, procure insurance,  
37 8 charge fees for its services, invest moneys of the authority,  
37 9 accept appropriations and other forms of financial assistance  
37 10 from various sources, provide technical assistance to public  
37 11 and private entities, conduct research, form committees or  
37 12 panels, establish funds within the state treasury for investing  
37 13 money, provide assistance to select projects, and to exercise  
37 14 all powers typically exercised by private enterprises engaged  
37 15 in business pursuits unless the exercise of such power would  
37 16 be a violation of law.

37 17     The division also provides certain specific program powers  
37 18 necessary and convenient to carry out programs. Such powers  
37 19 include the power to make contracts for the delegation of  
37 20 services to the economic progress corporation. The functions  
37 21 that can be delegated include marketing, policy research,  
37 22 economic analysis, market expansion, and consulting services.  
37 23 Essential governmental functions and sovereign powers of the  
37 24 state may not be delegated. The contracts may provide for  
37 25 compensation at fair market value.

37 26     The division provides that the board of the authority must  
37 27 appoint a director for the authority. The director is to be  
37 28 selected primarily for administrative ability and not based on  
37 29 political affiliation. The director is to advise the authority  
37 30 on matters relating to economic development and is to carry out  
37 31 all directives from the board in regard to the operation of the  
37 32 authority. The director must designate certain employees as  
37 33 key professional personnel and must fix their compensation.  
37 34 Other employees of the authority may be professional or  
37 35 nonprofessional. Nonprofessional employees must be employed



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38 1 consistent with Code chapter 8A, subchapter IV. Professional  
38 2 employees are exempt from Code chapter 8A, subchapter IV and  
38 3 Code chapter 20.  
38 4     The division provides the authority the power to issue bonds  
38 5 and notes. Such bonds and notes must be issued solely from  
38 6 the moneys of the authority. The authority may not pledge the  
38 7 credit of the state. The issuance of bonds and notes requires  
38 8 a resolution of the authority. However, such a resolution may  
38 9 delegate to an officer of the authority the power to negotiate  
38 10 the details of such transactions. Certain standard statutory  
38 11 requirements for the issuance of bonds are provided.  
38 12     The division provides for the establishment of the economic  
38 13 progress corporation by the authority. The corporation is to  
38 14 be established as a nonprofit corporation organized under Code  
38 15 chapter 504 and qualifying as exempt under section 501(c)(3) of  
38 16 the Internal Revenue Code. The corporation must collaborate  
38 17 with the authority, but is not to be considered, in whole or  
38 18 in part, an agency, department, or administrative unit of the  
38 19 state. The corporation cannot receive appropriations from  
38 20 the general assembly and is not required to comply with any  
38 21 requirements that apply to a state agency. The corporation  
38 22 does not have authority to pledge the credit of the state and  
38 23 the state is not liable for the debts or obligations of the  
38 24 corporation. The corporation is to be established for the  
38 25 purpose of expanding economic development opportunities in  
38 26 Iowa and may effectuate this purpose by performing certain  
38 27 functions delegated to it by the authority. The articles of  
38 28 the corporation must provide for its efficient management by a  
38 29 board of directors to be initially appointed by the governor  
38 30 and thereafter selected by a majority vote of the corporation's  
38 31 board members and a chief executive officer appointed by the  
38 32 corporation's board.  
38 33     The division provides that the chief executive officer must  
38 34 act to ensure that the corporation creates a strategic plan,  
38 35 prepares an annual budget, and provides an annual report to the





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39 1 economic progress authority.

39 2     The division authorizes the corporation to receive and  
39 3 expend funds from public and private sources and to use its  
39 4 resources for the purpose of performing the duties assigned to  
39 5 it.

39 6     The corporation is required to keep confidential all  
39 7 information disclosed to it by the authority as part of a  
39 8 contract for services.

39 9     The division provides that the corporation perform certain  
39 10 duties and responsibilities related to its activities under  
39 11 contract with the authority and to economic development in  
39 12 general.

39 13     On or before January 31 of each year, the director of  
39 14 the authority is to submit a report to the members of the  
39 15 authority. This report may include the information deemed  
39 16 necessary by the director, but must include certain information  
39 17 related to targeted small business procurement activities.

39 18     The division repeals certain provisions in Code chapter  
39 19 15E relating to a nonprofit corporation operated under the  
39 20 authority of the department of economic development.

39 21     The division provides for the continuing validity of rules  
39 22 promulgated by the department of economic development and  
39 23 allows for their enforcement by the authority. As soon as  
39 24 practicable, the authority is required to adopt new rules  
39 25 issued under its own rulemaking authority.

39 26     The division provides for the continuance of financial  
39 27 assistance provided under the programs administered by the  
39 28 department of economic development.

39 29     Division II of the bill makes certain program changes of more  
39 30 significance than the conforming changes in division III.

39 31     Division II repeals Code chapter 10C relating to life  
39 32 science products and enterprises.

39 33     Division II changes the name of the grow Iowa values fund and  
39 34 financial assistance program to the economic progress fund and  
39 35 financial assistance program.



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40 1 Division II also changes the membership and organizational  
40 2 structure of the Iowa commission on volunteer service.  
40 3 Currently, the commission is created within the governor's  
40 4 office and is comprised of certain appointed members. The  
40 5 division creates the commission within the authority. The  
40 6 commission's responsibilities, funding, and programs are not  
40 7 changed in the division.

40 8 Division II also provides that the authority must work  
40 9 in consultation with the departments of education, revenue,  
40 10 and workforce development in the adoption of rules for the  
40 11 industrial new jobs training program described in Code chapter  
40 12 260E. The authority must also monitor compliance of community  
40 13 colleges participating in the program and compile a report on  
40 14 its effectiveness.

40 15 Division III moves the office of energy independence to the  
40 16 economic progress authority, makes certain conforming changes,  
40 17 and provides transition provisions related to employees,  
40 18 grants, and financial assistance. The division provides  
40 19 for emergency rulemaking by the authority relating to the  
40 20 provisions of the bill. Certain provisions of the division  
40 21 take effect upon enactment.

40 22 Division IV makes certain changes in conformance with the  
40 23 provisions of division I and directs the Code editor to correct  
40 24 internal references to the eliminated entities and renamed fund  
40 25 and program throughout the Code.

LSB 2042XL (21) 84

tw/sc



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**Senate Study Bill 1136**

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
LOCAL GOVERNMENT BILL  
BY CHAIRPERSON  
WILHELM)

**A BILL FOR**

1 An Act modifying water service requirements for rural water  
2 providers.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2348SC (2) 84  
da/rj



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1 1 Section 1. Section 357A.2, subsections 3 and 4, Code 2011,  
1 2 are amended to read as follows:

1 3 3. a. Water services, other than water services provided as  
1 4 of April 1, 1987, shall not be provided within two miles of the  
1 5 limits of a city by a rural water district incorporated under  
1 6 this chapter or chapter 504 except as provided in this section.

1 7 b. Water services, other than water services provided as  
1 8 of July 1, 2011, shall not be provided within two miles of  
1 9 the limits a city by a rural water association incorporated  
1 10 under this chapter or chapter 504, except as provided in this  
1 11 section.

1 12 4. A rural water district or rural water association  
1 13 incorporated under this chapter or chapter 504 may give notice  
1 14 of intent to provide water service to a new area within two  
1 15 miles of a city by submitting a water plan to the city. The  
1 16 plan is only required to indicate the area within two miles  
1 17 of the city which the rural water district or rural water  
1 18 association intends to serve. If the city fails to respond  
1 19 to the rural water district's or rural water association's  
1 20 plan within ninety days of receipt of the plan, the rural  
1 21 water district or rural water association may provide service  
1 22 in the area designated in the plan. The city may inform the  
1 23 rural water district or rural water association within ninety  
1 24 days of receipt of the plan that the city requires additional  
1 25 time or information to study the question of providing water  
1 26 service outside the limits of the city. If additional time or  
1 27 information is required, the city shall respond to the rural  
1 28 water district's or rural water association's plan within one  
1 29 hundred eighty days of receipt of the plan. In responding to  
1 30 the plan, the city may waive its right to provide water service  
1 31 within the areas designated for service by the rural water  
1 32 district or rural water association, or the city may reserve  
1 33 the right to provide water service in some or all of the areas  
1 34 which the rural water district or rural water association  
1 35 intends to serve. If the city reserves the right to provide



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2 1 water service within some or all of the areas which the rural  
2 2 water district or rural water association intends to serve, the  
2 3 city shall provide service within four years of receipt of the  
2 4 plan. This section does not preclude a city from providing  
2 5 water service in an area which is annexed by the city.

2 6 EXPLANATION

2 7 This bill amends Code section 357A.2 to restrict both a rural  
2 8 water district and a rural water association from providing  
2 9 water service within two miles of a city. A rural water  
2 10 district or a rural water association that intends to provide  
2 11 such water service is required to notify the city council or  
2 12 the city's utility board.

2 13 The bill identifies both rural water districts and rural  
2 14 water associations. A rural water association is not a  
2 15 district, i.e., organized under Code chapter 357A.

LSB 2348SC (2) 84

da/rj



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**Senate Study Bill 1137**

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
TRANSPORTATION BILL BY  
CHAIRPERSON RIELLY)

**A BILL FOR**

1 An Act relating to the licensing of salvage pools, establishing  
2 fees, and making penalties applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2177SC (5) 84  
dea/nh



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PAG LIN

1 1 Section 1. Section 321.52, subsection 4, paragraph a, Code  
1 2 2011, is amended to read as follows:  
1 3 a. A vehicle rebuilder or a person engaged in the business  
1 4 of buying, selling, or exchanging vehicles of a type required  
1 5 to be registered in this state, upon acquisition of a wrecked  
1 6 or salvage vehicle, shall surrender the certificate of  
1 7 title or manufacturer's or importer's statement of origin  
1 8 properly assigned, together with an application for a salvage  
1 9 certificate of title, to the county treasurer of the county of  
1 10 residence of the purchaser or transferee within thirty days  
1 11 after the date of assignment of the certificate of title for  
1 12 the wrecked or salvage motor vehicle. This subsection applies  
1 13 only to vehicles with a fair market value of five hundred  
1 14 dollars or more, based on the value before the vehicle became  
1 15 wrecked or salvage. Upon payment of a fee of ten dollars, the  
1 16 county treasurer shall issue a salvage certificate of title  
1 17 which shall bear the word "SALVAGE" stamped or printed on the  
1 18 face of the title in a manner prescribed by the department. A  
1 19 salvage certificate of title may be assigned to an educational  
1 20 institution; ~~or~~ a new motor vehicle dealer licensed under chapter  
1 21 322; ~~or~~ a person engaged in the business of purchasing bodies,  
1 22 parts of bodies, frames, or component parts of vehicles for  
1 23 sale as scrap metal; ~~or~~ a salvage pool; ~~or~~ ~~an~~ authorized  
1 24 vehicle recycler licensed under chapter 321H. ~~An~~ A salvage  
1 25 pool licensed under chapter 321H may reassign, or an authorized  
1 26 vehicle recycler licensed under chapter 321H or a new motor  
1 27 vehicle dealer licensed under chapter 322 may assign or  
1 28 reassign an Iowa salvage certificate of title or a salvage  
1 29 certificate of title from another state to any person, and the  
1 30 provisions of section 321.24, subsection 5, requiring issuance  
1 31 of an Iowa salvage certificate of title shall not apply. A  
1 32 vehicle on which ownership has transferred to an insurer of  
1 33 the vehicle as a result of a settlement with the owner of the  
1 34 vehicle arising out of damage to, or unrecovered theft of, the  
1 35 vehicle shall be deemed to be a wrecked or salvage vehicle



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2 1 and the insurer shall comply with this subsection to obtain a  
2 2 salvage certificate of title within thirty days after the date  
2 3 of assignment of the certificate of title of the vehicle.  
2 4     Sec. 2. Section 321H.2, Code 2011, is amended by adding the  
2 5 following new subsection:  
2 6     NEW SUBSECTION. 01. "At retail" means to dispose of a motor  
2 7 vehicle to a person who will devote it to a consumer use.  
2 8     Sec. 3. Section 321H.2, subsection 3, Code 2011, is amended  
2 9 to read as follows:  
2 10     3. "Extension" means a place of business of an authorized  
2 11 vehicle recycler or salvage pool other than the principal  
2 12 place of business within the county of the principal place of  
2 13 business.  
2 14     Sec. 4. Section 321H.2, Code 2011, is amended by adding the  
2 15 following new subsection:  
2 16     NEW SUBSECTION. 4A. "Salvage pool" means as defined in  
2 17 section 321.1.  
2 18     Sec. 5. Section 321H.3, Code 2011, is amended to read as  
2 19 follows:  
2 20     321H.3 Prohibitions.  
2 21     1. Except for educational institutions; persons licensed  
2 22 as new vehicle dealers under chapter 322; persons engaged in  
2 23 a hobby not for profit; persons engaged in the business of  
2 24 purchasing bodies, parts of bodies, frames, or component parts  
2 25 of vehicles only for sale as scrap metal; or persons licensed  
2 26 under the provisions of this chapter as authorized vehicle  
2 27 recyclers or salvage pools, a person in this state shall not  
2 28 engage in the business of any of the following:  
2 29     ~~1-~~ a. Selling or offering for sale used bodies, parts  
2 30 of bodies, frames, or component parts of more than six used  
2 31 vehicles subject to registration in a twelve=month period.  
2 32     ~~2-~~ b. Dismantling, scrapping, recycling, or salvaging more  
2 33 than six vehicles subject to registration in a twelve=month  
2 34 period.  
2 35     ~~3-~~ c. Rebuilding or restoring for sale more than six





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3 1 wrecked or salvage vehicles subject to registration in a  
3 2 twelve=month period.

3 3 ~~4.~~ d. Storing more than six vehicles not currently  
3 4 registered or storing damaged vehicles except where such  
3 5 storing of damaged vehicles is incidental to the primary  
3 6 purpose of the repair of vehicles for others.

3 7 2. a. A person who is licensed as an authorized vehicle  
3 8 recycler shall not be licensed as and shall not engage in the  
3 9 business of a salvage pool.

3 10 b. A person who has been issued a salvage pool license shall  
3 11 not do any of the following:

3 12 (1) Be licensed as an authorized vehicle recycler.

3 13 (2) Engage in the business of a vehicle rebuilder, a used  
3 14 vehicle parts dealer, or a vehicle salvager.

3 15 (3) Engage in the business of selling vehicles at retail.

3 16 Sec. 6. NEW SECTION. 321H.4A Salvage pool licensure.

3 17 1. A person shall not engage in business as a salvage pool  
3 18 in this state without first obtaining a license as provided in  
3 19 this section.

3 20 2. a. Application for a salvage pool license shall be  
3 21 made to the department on forms provided by the department.  
3 22 The application shall be accompanied by a fee of seventy  
3 23 dollars for a two=year period or part thereof. The license  
3 24 shall be approved or disapproved within thirty days after  
3 25 application for the license. A license expires on December 31  
3 26 of even=numbered years. A licensee shall have the month of  
3 27 expiration and the month after the month of expiration to renew  
3 28 the license. A person who fails to renew a license by the end  
3 29 of this time period and desires to hold a license shall file a  
3 30 new license application and pay the required fee. A separate  
3 31 license shall be obtained for each county in which the licensee  
3 32 conducts salvage pool operations.

3 33 b. The applicant shall demonstrate that the applicant will  
3 34 have the facilities and equipment necessary to engage in the  
3 35 business of a salvage pool.



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4 1 c. The applicant shall certify that the applicant does not  
4 2 hold a license to operate as an authorized vehicle recycler  
4 3 and does not engage in business as a vehicle rebuilder, a used  
4 4 vehicle parts dealer, or a vehicle salvager.  
4 5 3. Each licensee shall file with the department a  
4 6 supplemental statement form when the licensee's principal place  
4 7 of business, an extension, or the operation of business in the  
4 8 county is changed to differ from the information contained on  
4 9 the initial license application form at least ten days prior  
4 10 to the change. The department shall notify each licensee of  
4 11 the approval of a change in license status. If a change in  
4 12 license status is approved by the department, the licensee  
4 13 shall surrender the old license to the department together with  
4 14 a thirty-five dollar fee. The department shall issue a new  
4 15 license modified to reflect the principal place of business,  
4 16 each extension, and the operations of the licensee.  
4 17 4. a. A salvage pool license authorizes the licensee  
4 18 to store and display wrecked or salvage vehicles for resale  
4 19 and solicit bids for the sale of such vehicles on behalf  
4 20 of insurance companies, lenders, or licensed motor vehicle  
4 21 dealers. A salvage pool may reassign the salvage certificate  
4 22 of title as provided in section 321.52, subsection 4, paragraph  
4 23 "a".  
4 24 b. As a condition of the license issued under this section,  
4 25 a salvage pool licensee shall comply with all local zoning  
4 26 requirements and local ordinances applicable to the operation  
4 27 of the salvage pool business.  
4 28 Sec. 7. Section 321H.8, subsection 2, Code 2011, is amended  
4 29 to read as follows:  
4 30 2. A person who has been convicted of a fraudulent practice,  
4 31 has been convicted of three or more violations of section  
4 32 321.92, subsection 2, or section 321.99, or has been convicted  
4 33 of any indictable offense in connection with selling or other  
4 34 activity relating to vehicles, in this state or any other  
4 35 state, shall not for a period of five years from the date



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5 1 of conviction be an owner, salesperson, employee, officer of  
5 2 a corporation, or representative of an authorized vehicle  
5 3 recycler or a licensed salvage pool or represent themselves as  
5 4 an owner, salesperson, employee, officer of a corporation, or  
5 5 representative of an authorized vehicle recycler or a licensed  
5 6 salvage pool.

5 7 EXPLANATION

5 8 This bill establishes licensing requirements and licensing  
5 9 fees for vehicle salvage pools.

5 10 "Salvage pool" is defined as the business of selling wrecked  
5 11 or salvage vehicles at auction. Under the bill, a person is  
5 12 prohibited from engaging in the business of a salvage pool  
5 13 without obtaining a license. The licensing application process  
5 14 mirrors the process currently established for authorized  
5 15 vehicle recyclers. The fee for a two=year license is \$70, and  
5 16 a separate application is required for each county in which the  
5 17 licensee conducts salvage pool operations. Licenses expire  
5 18 on December 31 of even=numbered years, with a one=month grace  
5 19 period for renewal. License fees are credited to the road use  
5 20 tax fund.

5 21 As a condition for licensure, an applicant must demonstrate  
5 22 that the applicant will have the necessary facilities and  
5 23 equipment to engage in the salvage pool business. In addition,  
5 24 the applicant must certify to the department that the applicant  
5 25 does not hold a license to operate as an authorized vehicle  
5 26 recycler and does not engage in the business of a vehicle  
5 27 rebuilder, used vehicle parts dealer, or vehicle salvager. The  
5 28 bill prohibits a person from being licensed as both a salvage  
5 29 pool and an authorized vehicle recycler, and a salvage pool  
5 30 licensee may not sell vehicles at retail.

5 31 A licensee is required to notify the department whenever  
5 32 there is a change in the location of the principal place of  
5 33 business, an extension location, or the operation of the  
5 34 business within a county. If the change in status is approved  
5 35 by the department, a new license is issued upon payment of a



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6 1 \$35 fee.

6 2 The bill specifies that a salvage pool licensee is  
6 3 authorized to act on behalf of sellers who are insurance  
6 4 companies, lenders, or licensed motor vehicle dealers by  
6 5 storing and displaying wrecked or salvage vehicles for  
6 6 resale or soliciting bids for the sale of those vehicles. To  
6 7 facilitate the sale, a salvage pool may reassign the salvage  
6 8 certificate of title to a person who is allowed, under current  
6 9 law, to take title to a wrecked or salvage vehicle. The list of  
6 10 persons who may be assigned such a title include educational  
6 11 institutions; new motor vehicle dealers; persons engaged in  
6 12 the business of purchasing bodies, parts of bodies, frames, or  
6 13 component parts of vehicles for sale as scrap metal; authorized  
6 14 vehicle recyclers; or persons from other states who are  
6 15 licensed or authorized in their home state to purchase wrecked  
6 16 or salvage vehicles. A salvage pool licensee is required to  
6 17 comply with zoning requirements and local ordinances applicable  
6 18 to the business.

6 19 The department may deny, revoke, or suspend a salvage  
6 20 pool license for the same reasons currently applicable  
6 21 for authorized vehicle recycler licenses. Those reasons  
6 22 are: violations of the licensing provisions; material  
6 23 misrepresentation in connection with an application for  
6 24 a license, certificate, or registration; conviction of a  
6 25 fraudulent practice or any indictable offense in connection  
6 26 with selling or other activity relating to vehicles; three  
6 27 or more convictions for certain offenses relating to vehicle  
6 28 identification numbers and registrations; failure to maintain  
6 29 an established principal place of business without notifying  
6 30 the department; previous license denial, suspension, or  
6 31 revocation within the last three years; or a final judgment of  
6 32 a court that the person committed consumer fraud in connection  
6 33 with selling or other activity relating vehicles.

6 34 A violation of the salvage pool licensing provisions is  
6 35 a serious misdemeanor. A serious misdemeanor is punishable



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7 1 by confinement for no more than one year and a fine of at  
7 2 least \$315 but not more than \$1,875. A person convicted of  
7 3 a fraudulent practice, three or more violations relating to  
7 4 vehicle identification or registration, or any indictable  
7 5 offense in connection with selling or other activity relating  
7 6 to vehicles is prohibited from being or representing themselves  
7 7 as an owner, salesperson, employee, corporate officer, or  
7 8 representative of a salvage pool for five years from the date  
7 9 of conviction.

LSB 2177SC (5) 84

dea/nh



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## Senate Study Bill 1138

SENATE FILE

BY (PROPOSED COMMITTEE ON  
TRANSPORTATION BILL BY  
CHAIRPERSON RIELLY)

### A BILL FOR

1 An Act restricting the practice of parking and displaying motor  
2 vehicles for sale, hire, or rental on public or private  
3 property and providing for local enforcement.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2014SC (3) 84

dea/nh



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1 1 Section 1. Section 321.89, subsection 1, paragraph a, Code  
1 2 2011, is amended to read as follows:  
1 3 a. (1) "Abandoned vehicle" means any of the following:  
1 4 ~~(1)~~ (a) A vehicle that has been left unattended on public  
1 5 property for more than twenty=four hours and lacks current  
1 6 registration plates or two or more wheels or other parts which  
1 7 renders the vehicle totally inoperable.  
1 8 ~~(2)~~ (b) A vehicle that has remained illegally on public  
1 9 property for more than twenty=four hours.  
1 10 ~~(3)~~ (c) A vehicle that has been unlawfully parked on  
1 11 private property or has been placed on private property without  
1 12 the consent of the owner or person in control of the property  
1 13 for more than twenty=four hours.  
1 14 ~~(4)~~ (d) A vehicle that has been legally impounded by order  
1 15 of a police authority and has not been reclaimed for a period  
1 16 of ten days. However, a police authority may declare the  
1 17 vehicle abandoned within the ten=day period by commencing the  
1 18 notification process in subsection 3.  
1 19 ~~(5)~~ (e) Any vehicle parked on the highway determined by a  
1 20 police authority to create a hazard to other vehicle traffic.  
1 21 ~~(6)~~ (f) A vehicle that has been impounded pursuant to  
1 22 section 321J.4B by order of the court and whose owner has not  
1 23 paid the impoundment fees after notification by the person or  
1 24 agency responsible for carrying out the impoundment order.  
1 25 (2) Notwithstanding subparagraph (1), a motor vehicle that  
1 26 is parked on public or private property for the principal  
1 27 purpose and intent of displaying the motor vehicle for sale,  
1 28 hire, or rental in violation of section 321.361A is not an  
1 29 abandoned vehicle for purposes of this section.  
1 30 Sec. 2. NEW SECTION. 321.361A Parking motor vehicle for  
1 31 sale, hire, or rental restricted ==== local enforcement.  
1 32 1. A person shall not park a motor vehicle on a street  
1 33 or highway, a public parking lot, or other public property,  
1 34 or on private property where the public has the right to  
1 35 travel by motor vehicle, for the principal purpose and intent



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2 1 of displaying the motor vehicle for sale, hire, or rental  
2 2 unless the display of the vehicle for sale, hire, or rental is  
2 3 specifically authorized for that location by local ordinance or  
2 4 regulation and the person is in compliance with all applicable  
2 5 municipal or county licensing requirements.  
2 6 2. Subsection 1 does not prohibit a person from parking  
2 7 the person's own motor vehicle or other personal property on  
2 8 any private real property which the person owns or leases,  
2 9 or on any private real property owned or leased by another  
2 10 person, with permission of the owner, or on the public  
2 11 street immediately adjacent to such private real property  
2 12 in conformance with applicable parking regulations, for the  
2 13 principal purpose and intent of sale, hire, or rental.  
2 14 3. Subsection 1 does not prohibit a licensed motor vehicle  
2 15 dealer from displaying motor vehicles at locations other than  
2 16 the dealer's licensed location as provided in section 322.5.  
2 17 4. A city or county may adopt an ordinance providing for  
2 18 enforcement of this section. Enforcement provisions may  
2 19 include but shall not be limited to the following:  
2 20 a. The issuance of citations.  
2 21 b. The assessment of fines.  
2 22 c. The removal of motor vehicles parked in violation of this  
2 23 section, including removal from private property at the request  
2 24 of the private property owner, and the storage of such motor  
2 25 vehicles.  
2 26 d. A process for identifying the owner of a motor vehicle  
2 27 which has been towed and providing notice to the owner of the  
2 28 requirements for release of the motor vehicle, including notice  
2 29 of any deadline imposed for the owner to reclaim the motor  
2 30 vehicle.  
2 31 e. Requirements for release of a motor vehicle, which may  
2 32 be conditioned on the payment of a fine and reimbursement  
2 33 for towing, storage, and other costs incurred by the city or  
2 34 county. The person claiming the vehicle shall provide proof  
2 35 of ownership or, if the person claiming the vehicle is not





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3 1 the owner of record, the person shall produce the certificate  
3 2 of title to the vehicle and record the person's name on the  
3 3 certificate of title as the purchaser.  
3 4 f. A process for sale or disposal of motor vehicles or other  
3 5 personal property not claimed by the owner in a timely manner.  
3 6 5. The owner of private real property, a city or county,  
3 7 or an agent authorized to act on behalf of a city or county,  
3 8 shall not be liable for damage to a motor vehicle or personal  
3 9 property in the vehicle caused by the removal or storage of the  
3 10 motor vehicle pursuant to this section.

3 11 EXPLANATION

3 12 This bill addresses the practice of displaying motor  
3 13 vehicles which are for sale by owner at highly visible  
3 14 locations on public or private property.

3 15 The bill prohibits a person from parking a motor vehicle  
3 16 on a street or highway, a public parking lot, or other public  
3 17 property or on private property where the public has the right  
3 18 to travel by motor vehicle, for the principal purpose and  
3 19 intent of displaying the motor vehicle for sale, hire, or  
3 20 rental except in compliance with local regulations. The bill  
3 21 does not prohibit a person from displaying a motor vehicle  
3 22 on the person's own property or on other private property  
3 23 with permission of the owner, including the public street  
3 24 immediately adjacent to such property. Current law applicable  
3 25 to the display of motor vehicles for sale by a licensed motor  
3 26 vehicle dealer is not affected by the bill.

3 27 The bill specifies that a motor vehicle which is illegally  
3 28 parked on public or private property for the principal purpose  
3 29 and intent of displaying the vehicle for sale, hire, or rental  
3 30 is not an abandoned vehicle, and therefore not subject to the  
3 31 remedies currently provided for removal of abandoned vehicles.  
3 32 Instead, the bill authorizes enforcement of the new parking  
3 33 restrictions by cities and counties. Pursuant to a city or  
3 34 county's ordinance, enforcement provisions may include the  
3 35 issuance of citations; assessment of fines; removal of vehicles



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4 1 from public property or from private property at the property  
4 2 owner's request; storage of impounded vehicles; a process for  
4 3 identifying a motor vehicle's owner and notifying the owner of  
4 4 requirements and deadlines for reclaiming an impounded vehicle;  
4 5 requirements for providing proof of ownership or, if the person  
4 6 claiming the vehicle is not the owner of record, signing the  
4 7 certificate of title as purchaser, as a condition for release  
4 8 of a vehicle; reimbursement by the owner of a motor vehicle for  
4 9 the towing, storage, and other costs incurred by the city or  
4 10 county; and a process for sale or disposal of a motor vehicle  
4 11 and any personal property found in a vehicle which is not  
4 12 claimed by the owner.

4 13 The bill provides that the owner of private property, a city  
4 14 or county, or an agent authorized to act on behalf of a city or  
4 15 county, shall not be held liable for damage to a motor vehicle  
4 16 or personal property in the vehicle caused by the removal or  
4 17 storage of the vehicle authorized under the bill.

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